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Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Seventy-first session

Summary record of the 1631st meeting*
Held at the Palais des Nations, Geneva, on Tuesday, 23 October 2018, at 10 a.m.

Chair: Ms. Leinarte

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* No summary record was issued for the 1630th meeting.

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Sixth periodic report of Nepal (CEDAW/C/NPL/6; CEDAW/C/NPL/Q/6 and CEDAW/C/NPL/Q/6/Add.1)

1. *At the invitation of the Chair, the delegation of Nepal took places at the Committee table.*

2. **Ms. Thapa** (Nepal), introducing her country's sixth periodic report (CEDAW/C/NPL/6), said that the Government of Nepal remained committed to the effective implementation of the Convention and of all human rights treaties to which Nepal was a party. Nepal was currently a member of the Human Rights Council, a deputy member of the Governing Body of the International Labour Organization and the Chair of both the South Asian Association for Regional Cooperation and the Colombo Process. In all those forums, it had been expressing views concerning the advancement of women's rights and gender equality.

3. Nepal had become a party to the Convention following the restoration of a multiparty system in the country in the early 1990s. Since then, it had been striving to comply with the letter and spirit of the Convention, including through the amendment of centuries-old laws and policies that had been the product of a feudalistic mentality and a paternalistic value system. In 2006, in response to the persistence of outdated values and practices that had lain at the root of violence and discrimination against women, the Nepalese people had organized a popular movement for the establishment of a federal democratic republic. The movement had been a success and had been followed by the promulgation of a new Constitution, the aim of which was to build a society based on the principles of equality, shared prosperity, social justice and proportional and participatory inclusion. Article 18 provided for the right to equality and prohibited all forms of discrimination against women, while article 38 guaranteed women's rights to equal lineage, safe motherhood and reproductive health and criminalized all physical, mental, sexual, psychological or other violence against or exploitation of women. It also provided for positive discrimination in favour of women in the fields of education, health, employment and social security.

4. The Constitution had transformed Nepal from a unitary to a federal country, with three tiers of government composed of some 40,000 elected representatives. Women's electoral representation was in excess of 41 per cent. Issues related to women were addressed at the federal level by the Ministry of Women, Children and Senior Citizens, at the provincial level by the Ministry of Social Development and at the local level by the Social Development Section. The National Women's Commission had been upgraded to a constitutional body and had been empowered and equipped accordingly, and the process of appointing its members had begun. In the judiciary, a three-tiered system was being introduced that would facilitate women's access to justice at the local level.

5. On 16 September 2018, the Federal Parliament had enacted more than 100 laws, including 16 designed to promote the implementation of the fundamental rights enshrined in the Constitution. All existing laws concerning such rights would be amended by mid-March 2019. The country's oldest codified law, the General Code, had been replaced in 2017 by a new Civil Code, Criminal Code, Code of Civil Procedure and Code of Criminal Procedure, which, together, criminalized and punished all forms of discrimination, violence, harmful social practices and other harmful acts against women.

6. The Government, which had secured a two-thirds majority in Parliament, was pursuing a long-term vision known as "Prosperous Nepal, Happy Nepalis" and had accorded high priority to policies, plans and programmes targeted at women, who were increasingly well represented in high-level political positions both nationally and internationally. The socioeconomic situation of Nepalese women had also improved. Gender parity had been achieved in primary education and the gender gap was closing at the secondary and tertiary levels. Nepal was a regional leader in the field of women's health, the proportion of land and property owners who were women had risen from 20 per

cent in 2011 to 26 per cent in 2017, and around 40 per cent of cooperatives were currently being led by women.

7. On 24 August 2018, the House of Representatives had passed a four-point resolution to end violence against women and girls. An action plan and a high-level mechanism had been established to implement the resolution and to monitor implementation, respectively. Programmes were being conducted throughout the country to raise awareness of violence against women and children and to protect and rehabilitate victims. Moreover, as part of an 82-point plan to reform the police force, special campaigns would be launched to highlight the need to end sexual violence against women and girls.

8. Bilateral labour agreements had been concluded with seven major countries of destination for Nepalese migrant workers, and efforts were ongoing to reach similar agreements with others. In 2021, a national census would be carried out and comprehensive gender-disaggregated data would be collected. The Government intended to launch a five-year action plan to end discrimination against women and had mainstreamed the goals and targets of the 2030 Agenda for Sustainable Development into national policies and programmes. In that connection, 430 indicators had been devised, including 20 for the implementation of Sustainable Development Goal 5 on achieving gender equality and empowering all women and girls. The fourteenth periodic plan was being implemented with those indicators in mind, as part of an approach that would continue with the fifteenth periodic plan.

9. **Mr. Dhital** (Nepal) said that the new Constitution set forth a guarantee of equality and non-discrimination and was fundamentally human rights-oriented and inclusive. The Government had adopted a zero-tolerance policy with regard to domestic and gender-based violence, as reflected in a number of relevant laws, including the 2014 law on sexual harassment in the workplace and the 2007 law on human trafficking. Since 2006, a total of 88 laws had been amended to remove gender-discriminatory provisions.

10. The historic process of political transformation that had culminated in the promulgation of the new Constitution in 2015 had been marked by a number of significant achievements related to the promotion and protection of women's rights. The constitutional provision on proportional inclusion had led to an increase in the participation of women, Dalits, indigenous peoples and other marginalized and minority groups in political decision-making. The incorporation of the Convention into domestic law had been prioritized and was viewed as fundamental to ensuring gender equality and non-discrimination. In 2010, Nepal had received a Millennium Development Goals Achievement Award for its progress in achieving Goal 5 on improving maternal health.

11. Nepal was a multi-ethnic, multicultural, multireligious and multilingual nation whose Constitution guaranteed that all citizens were equal before the law. The Criminal Code and Code of Criminal Procedure that had entered into force in 2017 had introduced key reforms that had strengthened the effectiveness of the Nepalese criminal law system, particularly in terms of combating discrimination.

12. Since 2007, around 45 per cent of vacant civil service posts had been reserved for women, Dalits, indigenous peoples, persons with disabilities, Madhesis and persons living in disadvantaged areas. Since 2004, the Government had drawn up national human rights action plans. The current plan, for the period 2014–2019, outlined specific activities, including the revision of laws to ensure that they were in line with international human rights standards and protected the rights of all disadvantaged and marginalized groups.

13. Since 2010, the Ministry of Federal Affairs and Local Development had been implementing the Gender Equality and Social Inclusion Policy, pursuant to which at least 10 per cent of government funding for local bodies was allocated to programmes for the empowerment of women.

14. All Dalit children received free education, school lunches and stationery, and children under 5 years of age from Dalit communities and remote areas were granted an allowance of up to 400 Nepalese rupees per month. Sanitary pads were distributed and separate toilet facilities provided to prevent girls from missing school during their periods.

15. The Government promoted the provision of multilingual education in schools through the Multilingual Education Implementation Guidelines. There were currently 24 schools offering such education, and school textbooks had been prepared in 16 languages.

16. One of the objectives of the fourteenth periodic plan and of the Labour and Employment Policy was to ensure that women's employment was safe and systematic. The policy was intended to make foreign employment inclusive and pro-poor through the provision of vocational training and the promotion of entrepreneurship.

17. Through the National Health Policy, the Government sought to strengthen the system for the delivery of quality health services and to ensure access to those services for poor, marginalized and at-risk groups. The Nepal Health Sector Strategy for 2015–2020 focused on four strategic areas: ensuring equitable access to health services, improving the quality of such services, reforming the health-care system and adopting a multisectoral approach.

18. The 10-year Zero Hunger Challenge Initiative, which ran up to 2025, was designed to ensure that all citizens, including women and children, enjoyed the right to adequate food, and the Government was in the process of developing framework legislation on that right. Programmes were also in place to facilitate access to education for marginalized and disadvantaged girls and to provide skills training and education to rural out-of-school adolescent girls and women.

19. The Government was implementing special measures to foster gender equality and the empowerment of women, including through the Yogamaya Women Empowerment Programme, which provided support to women who were at risk of, or suffering from, economic and social backwardness, or who were poor, single or affected by sexual violence or natural disasters.

20. A 10-year national plan of action against trafficking in persons had been in force since 2011, and a national plan of action against trafficking in women and children had been implemented since 2012.

21. The National Human Rights Commission was an independent constitutional body that had been accredited with category A status. The National Women's Commission had been assigned major responsibilities for policymaking, monitoring the implementation of treaties related to women's rights and gender equality, monitoring and evaluating women's development programmes, carrying out research and studies on issues of gender equality and reinforcing gender justice.

22. The Gender Coordination and Empowerment Unit established within the Office of the Prime Minister and Council of Ministers in 2010 had been instrumental in improving victims' access to justice. The Unit operated a hotline to handle complaints of sexual and gender-based violence. Within the Ministry of Finance, a Gender Responsive Budget Committee had been set up to implement gender-responsive budgeting guidelines. In addition, parliamentary committees had been created to address women's rights and gender equality, and had made significant efforts to monitor the implementation of relevant human rights treaties. A National Steering Committee established under the Office of the Prime Minister to address gender-based violence had been active in expediting effective implementation and monitoring measures.

23. The Constitution guaranteed free compulsory basic education and free secondary education. The net primary enrolment rate in Nepal had risen from 64 per cent in 1990 to 96.6 per cent in recent years.

Articles 1 to 6

24. **Ms. Hayashi**, noting that there was a need for the State party to address the multiple forms of discrimination faced by Dalit women, women with disabilities, displaced women, women belonging to religious and sexual minorities and indigenous women, said that she wished to know how and when the State party would adopt a comprehensive definition of discrimination in line with article 1 of the Convention and provide systematic training on gender equality to law enforcement officers and members of the judiciary.

25. She asked what obstacles were preventing the State party from amending or abolishing discriminatory laws, including the Citizenship Act and the Civil Code, and what the Government's time frame was for doing so.

26. She would welcome information on the process of consultation with civil society on the 2018 bill to amend the Truth and Reconciliation Commission Act. In particular, she wished to hear from the delegation about two troubling provisions of the bill: one that would enable the Government to order that a case should be dropped regardless of the gravity and nature of the alleged crimes and another that would open the door to more lenient punishments for perpetrators who pleaded guilty, apologized to their victims and promised not to reoffend. An assessment of the work of the Truth and Reconciliation Commission and of whether women and girls had sufficiently and successfully availed themselves of it would also be appreciated.

27. **Mr. Dhital** (Nepal) said that the Constitution and a number of other recently enacted laws contained clear provisions that defined and prohibited discrimination against and harassment of women in all areas of life. More time was needed, however, to ensure the effective implementation of those provisions.

28. Efforts to amend or abolish discriminatory laws had begun in 2006 and were ongoing. The Government was approaching the task with an open mind and was engaging with civil society actors, whom it viewed as partners for development. The Foreign Employment Act had been revised and improved several times, a specific programme had been developed to promote gender equality in migration and proposed amendments to the Citizenship Act were being considered by Parliament. The Government would continue its policy of introducing positive, incremental changes that were in line with national interests.

29. To facilitate access to justice, legal aid was provided to persons with limited means and additional support was offered by a range of mechanisms, including one established under the Office of the Attorney General and others run by civil society organizations.

30. The Commission of Investigation on Enforced Disappeared Persons had received around 10,000 complaints and the Truth and Reconciliation Commission had received around 60,000. Parliament was currently discussing amendments to the law that had established those bodies in order to better reflect the true situation in the country and the State's obligations under international law; for example, perpetrators of gross human rights violations such as rape and sexual violence would not be eligible for amnesty. Under one of the proposed new provisions, victims would be entitled to compensation. A system for ensuring that perpetrators were not granted amnesty without the victims' informed consent was also under consideration.

31. **Ms. Hayashi** said that the three years permitted under the Constitution for the removal of discriminatory provisions from legislation had passed, yet the process was not complete. She wondered what time frame the State party envisaged for completing it. The Constitution listed gender as one of the prohibited grounds of discrimination, but there was still no definition of discrimination; did the State party intend to introduce a definition into the Constitution or the law?

32. She asked the delegation to provide information on the second phase of the national action plan on Security Council resolutions 1325 (2000) and 1820 (2008) and on the provisions made for the allocation of sufficient resources and the establishment of reporting and monitoring mechanisms in each province.

33. She was concerned at reports indicating that women human rights defenders routinely faced threats and intimidation from the authorities, their own families and their communities. The proposed new policies on integrity and ethics and on privacy were likely to have an impact on the advocacy work of non-governmental organizations (NGOs). She would like to know the delegation's view on the new policies from the standpoint of freedom of expression.

34. Under current arrangements, legal aid was available to anyone with an income of less than 40,000 Nepalese rupees and there was no legal aid fund specifically for vulnerable groups of women. She would appreciate the delegation's view on how legal aid coverage

could be expanded to ensure that women and girls had affordable access to justice and to quality legal representation.

35. **Ms. Halperin-Kaddari** asked whether the State party had considered making special arrangements for providing legal aid to women victims of domestic and other forms of violence.

36. **Ms. Schulz** said that certain Human Rights Council special procedures mandate holders had expressed a fear that the restrictions introduced under the new policies on integrity and ethics and on privacy could subject the work of NGOs to control or interference by the authorities and could adversely affect their access to funding. The Committee was concerned at the potential impact of new legislation governing publishing and the press and of regulations governing broadcasting: they were framed in rather broad terms and included references to concepts such as public morality, decent behaviour and social honour. Such vague language could open the door to arbitrary decisions and lead to tight restrictions on the freedom of expression, thereby endangering human rights defenders and exposing them to harassment, including online harassment. She asked the delegation to indicate the current state of the discussions on the draft national integrity and ethics policy and the privacy policy and to comment on the implementation of the Press and Publication Act and the National Broadcasting Regulation.

37. **Ms. Acosta Vargas**, noting that the Constitution did not specifically recognize the rights of indigenous peoples in accordance with the United Nations Declaration on the Rights of Indigenous Peoples, asked whether their specific rights were protected in any way by the Constitution.

38. **Mr. Dhital** (Nepal) said that women victims of violence were eligible for direct support from the Gender-based Violence (Elimination) Fund in order to obtain justice. Many such cases could be handled at the local level by the municipal judicial committees, which were empowered to mediate and adjudicate, and could also refer cases to the courts.

39. Definitions of gender discrimination were given in the new Civil Code and Criminal Code and in the laws on gender-based violence, domestic violence and sexual harassment in the workplace, which also gave descriptions of possible scenarios in which discrimination could occur.

40. Nepal was a party to the International Labour Organization (ILO) Indigenous and Tribal Peoples Convention, 1989 (No. 169).

41. **Mr. Gautam** (Nepal) said that there were two time frames for the harmonization of legislation. The first was a three-year period for the enactment of new legislation to enforce fundamental rights; the 16 laws referred to earlier had been adopted within that time frame. The second was a one-year period that would run from the first session of the new Federal Parliament, in which all legislation dating from the old unitary form of governance was to be aligned with the new federal arrangements.

42. The Nepalese approach to defining discrimination was to devise definitions relating to specific areas of legislation. Thus, the new Criminal Code created the offence of discrimination and set forth the relevant prohibited grounds, including grounds of sex, while the Right to Safe Motherhood and Reproductive Health Act gave a comprehensive definition of discrimination in that sector.

43. The legal aid policy was currently under review. Previous amendments had made specific provision for persons with disabilities and women victims of the armed conflict or of domestic violence, but a thorough overhaul was needed to raise the outdated 40,000-rupee income cap and devise a comprehensive policy.

44. **Mr. Dhital** (Nepal) said that there were a number of specific mechanisms to provide legal aid to victims, such as the Single Women Protection Fund and a rehabilitation fund for victims of trafficking. In that way, specific needs were addressed in a changing social situation.

45. **Mr. Gautam** (Nepal) said that the new national action plan on Security Council resolutions 1325 (2000) and 1820 (2008) was in the pipeline. The ministry responsible for

implementation of the previous plan no longer existed; implementation would be overseen by a new dedicated division of the Ministry of Home Affairs.

46. The new national integrity policy was merely an instrument for the coordination and harmonization of the various codes of conduct already in place in sectors such as journalism, the civil service, the Bar and medicine, with a view to ensuring that the aims and objectives of each sector's institutions were achieved. The codes of conduct were essentially a form of sectoral self-regulation.

47. Under a bill that had recently been presented, the statute of limitations would not apply to heinous crimes such as violence against women and sexual offences. The drafting had taken due account of victims' concerns, as well as of basic constitutional guarantees, the international commitments of Nepal under human rights treaties and relevant Supreme Court rulings. The enactment of that legislation would complete the peace process.

48. **Ms. Schulz** said that the Committee fully supported the State party's drive to introduce strong regulatory provisions. However, on the basis of past experience, it feared that imprecise terminology could lead to the criminalization of legitimate activities being carried out by civil society or by members of the sectors that were governed by the codes of conduct mentioned by the delegation.

49. She congratulated the State party on the establishment of judicial committees in more than 700 local authorities, which represented a very interesting development in the provision of access to justice. She wondered, however, whether they were all equipped to fulfil what was a very important responsibility; the Committee had heard, for example, that they did not receive adequate training. Moreover, according to reports, the committees had not always gained the respect of their local communities, and that created a risk that their proceedings and decisions might not always be conducive to the protection of women's rights.

50. **Ms. Hayashi** asked how the second action plan on Security Council resolutions 1325 (2000) and 1820 (2008) was expected to differ from the first. Civil society had reported a number of deficiencies in the first plan; would they be rectified in the second? With regard to access to justice, she would like to know what provision was made in the legal aid scheme to enable members of ethnic groups, of which there were more than 120, to follow proceedings in their own languages.

51. **Mr. Dhital** (Nepal) said that the purpose of the integrity and ethics policy was to set out clear rules that would ensure mutual respect among all those who contributed to the process of governance, including civil society organizations, the private sector and donors, but also all members of society at large.

52. There was no reason to doubt the credibility of the local judicial committees, as their members were elected representatives of the people and worked for the people. While additional capacity-building would be needed to enable them to discharge their functions more efficiently and effectively, they were fully integrated in their communities.

53. The context of the new action plan on Security Council resolutions 1325 (2000) and 1820 (2008) was very different from that of the first action plan, which had been tailored to the needs arising from the transition from conflict. The need now was to build peace and resilience, which required a more creative approach.

54. Nepal respected the right of indigenous peoples to use their own languages, but some of those languages had no written form, and Nepali was a lingua franca that was understood by all. There was thus no need for interpretation in order to ensure access to justice.

55. **Mr. Gautam** (Nepal) said that the right to privacy was a constitutional right and, as such, was protected under the Personal Privacy Protection Act. While the National Broadcasting Regulation needed to be brought into line with the new Constitution, it struck a balance between the right to information and the State's legitimate right to impose restrictions in the interests of community harmony and in response to threats to national sovereignty. Such restrictions were limited and did not impair the freedom of speech.

56. Like the Committee, his Government was also keen to ensure that the judicial committees were fully able to discharge their responsibilities. The Ministry of Federal Affairs and Local Development and the Ministry of Law, Justice and Parliamentary Affairs were taking steps to train and empower committee members, notably in the development of their own materials and procedures.

57. **Ms. Song** said that she would be grateful for details on the current status of the National Women's Commission, the timeline for completing its establishment and the measures in place to ensure that it could fulfil its mandate. She asked how the Government ensured coordination between the Ministry of Women, Children and Senior Citizens, which was responsible for issues related to women at the federal level, and the Ministry of Social Development, which performed that role at the provincial level. She would appreciate information on the timeline for the adoption of the national gender equality policy and the Action Plan on Gender Empowerment and Ending Gender-based Violence; on the major effects of gender-responsive budgeting on the overall status of women; on whether the State party had monitored those effects; and on when gender-responsive budgeting might be introduced at the provincial and local levels. The Committee wished to know what steps the State party had taken to ensure that all women, including those living in far-flung rural areas, indigenous women and women with disabilities, received information on all its legislation, programmes, projects and strategies for women's advancement and gender equality.

58. **Ms. Schulz** said that the State party had failed to respect the three-year time limit under article 47 of the 2015 Constitution for the adoption of legislation to implement the special opportunity provision in article 38 (5) of the Constitution. She would like to know whether the Government had included such a law among those that it intended to pass in March 2019 and, if not, what the time frame was for its adoption, and whether the law would concentrate on temporary special measures or also provide for permanent measures. Article 18 (3) of the Constitution limited the application of the special opportunity provision to socially or culturally backward women. She asked whether the State party planned to apply that provision to all women, including marginalized women such as Dalit and Madhesi women, women belonging to other indigenous communities or to religious minorities, women with disabilities, women living in remote areas, lesbian, bisexual, transgender and intersex women and displaced women. Did the Government intend to diversify its affirmative action through executive, administrative or budgetary instruments, outreach or support programmes to reach the various groups of women who faced particular forms of discrimination?

59. **Ms.** Radhika **Aryal** (Nepal) said that the National Women's Commission and seven other commissions would be constituted shortly. The Ministry of Women, Children and Senior Citizens was the central agency for all women's issues at the federal level, while the Ministry of Social Development was responsible for those issues at the provincial level. There was a dedicated unit for women's affairs at the local level. Prior to the introduction of the three-tiered Federal Government, there had been 75 district offices for women and children. The staff from those former offices had been transferred to the Ministry of Social Development and to the social development sections of all 753 local governments. Coordination between the three levels was ensured by the Federal Government; the provincial and local governments implemented the laws and regulations adopted by the Federal Government. The two lead ministries held frequent coordination meetings.

60. Drafting of the Action Plan on Gender Empowerment and Ending Gender-based Violence was complete, and it would be adopted within the 2018/19 fiscal year. Five clear indicators had been established to evaluate the effect of gender-responsive budgeting: women's participation in the formulation and implementation of programmes; women's capacity development; women's share in the benefit; promoting employment and income generation for women; and qualitative improvement in women's use of time or the reduction of their workload. The Ministry of Finance had established an interministerial gender-responsive budgeting coordination committee that monitored sectoral budget allocation and public expenditures of the various ministries from a gender perspective. That committee also oversaw the application of the guidelines for budget formulation that the Ministry of Finance had developed for use by all line ministries, and conducted capacity-

building programmes for gender focal points in every entity of the Federal Government. For the 2018/19 fiscal year, gender-responsive budgeting was reflected in the federal budgetary system. Nepal was planning to introduce gender-responsive budgeting at the provincial and local levels, but had not yet done so.

61. **Mr. Dhital** (Nepal) said that the Government had sought to make its temporary special measures as inclusive as possible. The aim was to promote education, health care and employment for women, and increased employment opportunities had been found for women in the public sector. The private sector had also responded positively to the call to identify employment opportunities for women. Nepal had limited resources, and the country would need assistance from donors and partners to combat poverty and protect vulnerable population groups.

62. **Ms. Haidar** said that she would like to know how the Government planned to continue supporting the national human rights institution, while maintaining the latter's independence and making it more effective. Its role should be to expand civic space and to promote and protect human rights defenders, especially women human rights defenders. She would like to know whether the institution was involved in the wide-ranging legislative reform in which the State party was engaged. Noting that the post-conflict transitional arrangements were still in place, she asked whether the national human rights institution was involved in that area and whether it had authority to receive complaints and to grant redress.

63. **Ms. Schulz** said that her question as to when the special opportunity provision in article 38 (5) of the Constitution would be brought into law remained unanswered, as did her query concerning the restriction of that provision to socially or culturally backward women. She asked once again whether the Government would expand its use of temporary special measures, through budgetary allocations or special programmes targeting specific groups, to accelerate the elimination of intersectional forms of discrimination and the attainment of substantive equality. She would also like to know how the Government would monitor those measures.

64. **Ms. Song** said that the delegation had not answered her question concerning the dissemination of information on laws, policies, programmes and projects for women. Alternative sources suggested that the second action plan on Security Council resolutions 1325 (2000) and 1820 (2008) had been drafted but that its adoption had been delayed by the dissolution of the Ministry of Peace and Reconstruction. She asked the delegation when that second plan would be adopted.

65. **Mr. Dhital** (Nepal) said that, with regard to temporary special measures, the Government's programme and budget system monitored the entire national programme. Civil society organizations also observed programme implementation and submitted information to the Government. Likewise, the constitutional commissions had oversight responsibilities. For example, the National Human Rights Commission monitored respect for human rights and evaluated the effect of programmes on targeted groups. However, there was no separate monitoring system in place; different government bodies collected information on programme implementation and evaluated its effects. While there were concerns that the opportunities created by the temporary special measures were benefiting the more capable segments of the population rather than the most disadvantaged and vulnerable, the overall picture remained positive. For example, a programme providing scholarships to enable members of disadvantaged groups to pay for their schooling and higher education had been put in place.

66. **Mr. Gautam** (Nepal) said that no specific law had been passed in relation to the special opportunities provision in article 38 (5) of the Constitution, but that other laws already gave effect to that provision. The Social Security Act of 2017 identified and protected nine different categories of vulnerable population groups. Human rights defenders were afforded adequate protection under the criminal law of Nepal.

67. **Ms. Acosta Vargas** said that she would welcome information on local initiatives undertaken to raise awareness of human rights and stamp out practices that were discriminatory towards women and to disseminate relevant information in the local languages, especially in remote areas. Sufficient redress had still not been provided for the

sexual violence suffered by women, including indigenous women, during the armed conflict. She would welcome clarification in that regard, and asked whether the additional one-year time limit for reporting cases still pertained or had been cancelled. She would like to know what measures the State party was taking to punish those responsible for acts of sexual violence committed during the internal conflict. Alternative sources suggested that war crimes and crimes against humanity were not codified in Nepal and that crimes such as rape and forced abortion therefore could be prosecuted only as ordinary offences. That placed Nepalese law at variance with international law and left certain crimes unpunished. For example, the definition of rape, in section 219 of the Criminal Code, as forced penetration of a girl or woman did not cover the crime of rape of a boy, a man or a transgender person, or the commission of such a crime by a woman. In addition, the definition of sexual offences under international law did not require an element of physical contact. She would welcome the delegation's comments and clarifications in that connection.

68. **Ms. Bethel** said she would welcome information on when the definition of trafficking and other conflicting provisions in the Human Trafficking and Transportation (Control) Act of 2007 would be amended and when the State party would accede to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children, supplementing the United Nations Convention against Transnational Organized Crime. Did the State party plan to remove the current provision of the Act that allowed victims to be fined if they failed to appear in court?

69. She would like to know how systematic and sustainable the State party's awareness-raising, public education and legal literacy campaigns targeting displaced women, women affected by disasters, indigenous and Dalit women, lesbian, bisexual, transgender and intersex women, women with disabilities and women living in remote areas were and whether systems were in place to evaluate their effectiveness. She would appreciate information on measures being taken to adopt standard operating procedures for victim identification and for prosecution under the Human Trafficking and Transportation (Control) Act of 2007, and clarification as to the process of referral to protection and rehabilitation services, the role of NGOs in that regard and the number of shelters in place. Alternative sources suggested that procedures for obtaining reparation were cumbersome under the Act and that women victims preferred to seek restitution under the Foreign Employment Act of 2007. She asked what measures were being taken to address the issue of reparation under the Trafficking Act and to ensure timely court hearings. She would like to know whether the Government was considering lifting the restrictions on women's migration, which it had introduced to combat the sexual exploitation of women migrants, in order to discourage undocumented migration. What was the status of the draft policy on safe migration? What measures would be taken to ensure that victims were not punished for any unlawful acts they committed as a direct result of being subjected to trafficking?

70. Regarding prosecution for trafficking, she asked for information on measures adopted to combat impunity, especially in cases involving public officials, and on any cases in which such officials had been investigated, prosecuted or convicted. Specific information on the numbers of arrests, prosecutions and convictions for trafficking in women and girls would be useful. In respect of prostitution, she would like to know what steps the State party was taking to enforce laws to address violence against and extortion of women in prostitution and to eliminate the discrimination they suffered in gaining access to justice and health services; whether the State party provided support and programmes for women wishing to leave prostitution; and whether the State party had considered decriminalizing prostitution.

71. **Mr. Dhital** (Nepal) said that, as the current Chair of the Colombo Process, the Government was considering a raft of measures to ensure safe, regular and managed migration in coordination with other countries. Both trafficking and sexual abuse cases were dealt with in fast-track court proceedings. Government and civil society organizations ran 10 rehabilitation centres for trafficking victims in Nepal, plus another centre outside the country, all of which received financing from the Government's rehabilitation fund. The Foreign Employment Promotion Board ran three transit shelters in Nepal, and the country's diplomatic missions provided support for the rescue and rehabilitation of Nepalese

trafficking victims abroad. The relevant legislation included strict provisions on the prosecution and punishment of perpetrators of human trafficking and sexual violence offences.

72. Migration agreements with destination countries were under negotiation in order to provide clear channels for Nepalese citizens who wished to find employment abroad. In order to raise awareness of human trafficking and its impact, media campaigns had been launched through television, radio and the press, with substantial involvement by NGOs. The Ministry of Labour, Employment and Social Security was taking action to crack down on fraudulent recruitment in order to ensure safe and controlled migration procedures. Significant progress in that regard had been made over the previous six months.

73. Measures taken against child marriage included a legal provision raising the minimum age for marriage to 20. The law rendered null and void any marriage entered into by couples below that age, and penalized anyone who officiated at weddings of underage couples. In recognition of the role of education in eliminating child marriage, the Government had introduced a scholarship programme to increase higher education opportunities for children in disadvantaged areas.

74. **Ms.** Radhika **Aryal** (Nepal) said that an interministerial committee had been formed to establish a legal framework that would allow the country to accede to the Trafficking in Persons Protocol in the near future. The Ministry of Labour, Employment and Social Security and the Ministry of Women, Children and Senior Citizens were holding consultations with a view to amending and harmonizing the Foreign Employment Act and the Human Trafficking and Transportation (Control) Act. Most of the provisions required under the Trafficking in Persons Protocol were already covered in the Human Trafficking and Transportation (Control) Act. National, district and local committees for controlling human trafficking had been set up across the country. The Government planned to establish at least one rehabilitation centre for trafficking victims in each province, with integrated services such as legal aid, medical care and counselling.

75. The Government's ban on migration for domestic work abroad applied equally to men and women and was intended to ensure the safety and security of young women in particular. Once clear rules for domestic workers had been introduced, covering the minimum wage, working hours and various other security measures, the Government would consider lifting the ban.

76. **Mr. Gautam** (Nepal) said that the Enforced Disappearances Enquiry, Truth and Reconciliation Commission Act of 2014 would soon be amended to resolve problems relating to the statute of limitations and evidentiary requirements for the prosecution of sexual abuse offences committed during the civil war, in accordance with the relevant decisions of the Supreme Court and the Constitution. A committee led by a Supreme Court justice had been responsible for drafting amendments to the Criminal Code to ensure that it complied with Supreme Court decisions and international standards. The Government would be open to further amending any shortcomings in the Criminal Code provisions. The definition of rape did not encompass cases where a woman was the perpetrator because there was no record of any such cases having occurred in Nepal. Police arrested women in prostitution under the Public Offences and Penalties Act only in response to complaints by the public, and the Act was not used to target sex workers specifically. The Criminal Code contained specific provisions criminalizing the miscarriage of justice and there was no gap in the legal framework on corruption. Any instances of impunity were isolated cases.

77. **Ms. Acosta Vargas** said that she wished to know what measures had been taken to prevent violations of the rights of intersex children, in response to the concluding observations of the Committee on the Rights of the Child (CRC/C/NPL/CO/3-5, para. 41), and violations of the rights of intersex persons in general. It would be helpful to have statistics on the surgical operations carried out on intersex persons in violation of their rights.

78. She wondered whether indigenous women, who were often the target of various forms of violence, had access to the United Nations Trust Fund in Support of Actions to Eliminate Violence against Women. If so, she would be interested to learn to what extent the initiatives developed using those funds had been implemented at the local level and

what the outcome had been. Were there any policies in place to recruit female police officers to represent the diversity of the population?

79. **Ms. Bethel** said that she would appreciate a description of the quality of the psychological and health services offered at the rehabilitation centres for trafficking victims.

80. **Ms. Narain** said that the practice of secluding menstruating women continued in rural areas despite its being a criminal offence. She wished to know whether there had been any arrests or prosecutions and, if not, whether that was because the authorities were reluctant to prosecute the parents and elders involved. She asked how the State party intended to step up measures to enforce the prohibition of the practice.

81. **Mr. Bergby** said that the ban on domestic work abroad was discriminatory in practice, since the majority of those who engaged in such work were women. Women who were under the age of 24 or who were breastfeeding were not allowed to engage in any type of employment overseas. Those bans were discriminatory and had the effect of driving migration further underground. The Special Rapporteur on the human rights of migrants, on his mission to Nepal, had found that a considerable number of Nepalese women used irregular channels, often involving unscrupulous recruiters. Were those reasons sufficient to persuade the Government to lift those bans?

82. **Mr. Dhital** (Nepal) said that the age restriction on migration was in place for the benefit of women, since women over a certain age were better able to handle the pressures of working abroad. Similarly, as part of his country's commitment to children's rights, migration restrictions had been imposed on breastfeeding mothers to protect their children. Under the Constitution and the laws of Nepal, men and women, including migrant workers, had equal opportunities for employment. Given the difficulties involved in protecting exploited workers abroad, the consular services offered at the diplomatic missions of Nepal were being enhanced to protect migrant workers and build safe and regular migration channels.

83. **Ms.** Radhika **Aryal** (Nepal) said that the Criminal Code provisions prohibiting the practice of secluding menstruating women had come into effect only two months previously. No complaints had yet been filed regarding the practice. The Government conducted campaigns across the country to raise awareness of the new provisions, in conjunction with civil society organizations. The Ministry of Federal Affairs and Local Development and the Ministry of Women, Children and Senior Citizens had organized orientation and awareness-raising programmes for newly elected local government officials with the aim of reducing and eliminating violence against women and girls.

84. The Nepal Police had recently established a bureau to investigate trafficking cases and bring perpetrators to justice. The services at rehabilitation centres were provided in partnership with civil society organizations, and standard operating procedures were in effect to maintain the quality of the services.

Articles 7 to 9

85. **Ms. Schulz**, noting that the representation of women in the national executive branch had decreased compared to previous years, said that she wished to know whether the current composition of the Council of Ministers complied with article 76 (9) of the Constitution, under which the composition of the Council must reflect the principle of inclusion. She asked how the State party planned to remedy the underrepresentation of women at the federal, provincial and local levels of government, in accordance with articles 38 (4) and 40 (1) of the Constitution, which concerned the proportional inclusion of women and the representation of Dalit women. Even though a large number of women, including Dalit women, had been elected at the local level, many Dalit women were unable to represent the interests of their communities effectively owing to a lack of training and skills and to discrimination and stereotypes that prevented their voices from being heard. It would be useful to know whether the Government intended to launch any large-scale capacity-building or training programmes for those women and whether any measures were in place to combat discrimination within local authorities.

86. No rule had been introduced to ensure the participation of women in the judiciary, where they were seriously underrepresented. She wished to know whether any measures would be taken to rectify the situation and comply with the constitutional provision recognizing women's equal right to participate in all bodies of the State. She invited the delegation to provide further information on the scholarships introduced to encourage young women from excluded groups to study law and join the justice system. Noting also the underrepresentation of women in the civil and diplomatic services, she wondered what measures had been or would be adopted for the targeted recruitment, training and promotion of women. Had there been any changes in the figures given in paragraph 55 of the State party's report regarding the representation of women in the Nepal Police, the Nepal Army and the Armed Police Force? She also asked whether any measures had been or would be taken to increase women's representation in trade unions and the media.

The meeting rose at 1 p.m.

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Seventy-first session

Summary record of the 1632nd meeting
Held at the Palais des Nations, Geneva, on Tuesday, 23 October 2018, at 3 p.m.

Chair: Ms. Leinarte

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Sixth periodic report of Nepal (*continued*)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Sixth periodic report of Nepal (*continued*) (CEDAW/C/NPL/6; CEDAW/C/NPL/Q/6 and CEDAW/C/NPL/Q/6/Add.1)

1. *At the invitation of the Chair, the delegation of Nepal took places at the Committee table.*

Articles 7 to 9 (*continued*)

2. **Mr. Dhital** (Nepal), replying to questions posed by Ms. Schulz at the Committee's preceding meeting, said that, although the affirmative action measures taken to ensure the proportional representation of women in legislative and political bodies had not yet yielded the desired results, women's representation in such bodies had increased dramatically since their adoption. The targets set by the Government in that connection could not be achieved overnight. More needed to be done to build women's capacity at the grass-roots level to ensure that women of all backgrounds could avail themselves of opportunities on an equal footing. Women's representation in the Federal Government and in provincial and local governments currently stood at 41 per cent overall, which was a remarkable achievement. Their representation in the civil service had grown to 26 per cent, compared to 11 per cent in 2008, while their representation stood at 8.4 per cent in the army and had grown to 6 per cent in the police, and continued to rise.

3. **Mr. Gautam** (Nepal) said that women were underrepresented in the judiciary because few of them pursued legal studies and subsequently entered legal professions. A series of targeted programmes, including scholarship and orientation programmes, were being conducted in an effort to change that situation. In addition, classes to prepare candidates for competitive examinations for entry into the judiciary were provided and the Nepal Bar Association had undertaken a number of initiatives to increase the recruitment of female lawyers from the Dalit community and other ethnic minority groups.

4. **Ms. Schulz**, recalling the principle of proportional inclusion enshrined in article 38 (4) of the Constitution of Nepal, said that she saw no reason why the State party could not further increase women's representation in the Federal Government, given that the members of the Federal Government were selected from among the members of the Federal Parliament, where women's representation had already increased dramatically. She asked what measures the State party had taken to ensure the proportional representation of women, particularly Dalit women, in provincial and local governments, bearing in mind article 40 of the Constitution, which enshrined the rights of that group.

5. While it was true that some women could benefit from capacity-building initiatives, there was also a need for communities and local authorities to stop acting on the basis of gender, racial and ethnic stereotypes. The Committee had been informed that Dalit women were routinely prevented from representing the interests of their community by Dalit or upper-caste men. She asked how the State party intended to address that problem and how it planned to break down such stereotypes and bring about change in Nepalese society.

6. The Committee had also received reports that, more often than not, political parties failed to respect the 33-per-cent quota for women's representation in their governance structures and did not guarantee the representation of Dalit or other minority women. She asked what steps the State party would take to enforce that quota and to ensure the adequate representation of women belonging to those groups.

7. **Mr. Dhital** (Nepal) said that the 33-per-cent quota was difficult to meet in practice. The Government needed to invest additional resources in building the capacity of disadvantaged women in the education, health, economic and social sectors over the long term. Access to government and civil service positions was often contingent upon certain qualification and skills requirements. Quotas for women would serve little purpose if there were no eligible candidates to fill the positions in question. A series of programmes tailored to the needs of disadvantaged and vulnerable women and girls, including those from the

Dalit community, had been launched in an effort to overcome that problem. Those programmes included a targeted scholarship scheme.

8. Strong legislation criminalizing differential treatment of members of the Dalit community was now in place. General public awareness of their plight had increased and relations between that group and the rest of Nepalese society appeared to have improved. Dalits and non-Dalits increasingly came together to celebrate social and religious occasions.

9. Over the previous decade, the Government had worked to create a constitutional and legislative framework and enabling environment to foster inclusiveness. Its efforts in that area had begun to bear fruit; for example, more and more women were participating in the public and political life of the country.

10. **Ms. Schulz** said that, to her mind, the State party was too focused on remedying gaps in Nepalese women's capacities and had failed to draw lessons from their experiences, particularly those of Dalit women, who continued to suffer discrimination and oppression. The key to achieving the full inclusion of women in Nepalese society lay in understanding and learning from their experiences to date.

11. Contrary to the State party's assertion that Dalits and non-Dalits had frequent opportunities to interact, the Committee had received reports that, in reality, such opportunities were few and far between and that, in schools, Dalit and non-Dalit children were effectively segregated, lending credence to the theory that, despite being part of the Nepalese population, the Dalits were actually second-class citizens. She asked how the State party planned to combat the effects of such entrenched stereotypes.

12. **Mr. Dhital** (Nepal) said that the requirement that two elective positions on local ward committees must be reserved for women and that one of those two positions must be reserved for a Dalit woman helped foster women's inclusion and ensured that women of the most vulnerable community in Nepal had a voice.

13. **Ms. Haidar** said that the Constitution provided that a person born to a Nepalese father or Nepalese mother was a citizen of Nepal by descent, but also that a person born to a Nepalese mother and a non-Nepalese father could obtain citizenship only through naturalization, which was rare in practice; the latter provision was discriminatory against women. The Committee had also been given to understand that Nepalese single mothers were unable to register their children as Nepalese citizens, even though the Constitution provided for that possibility when the father of the children was unknown. The denial of that constitutional right often led to the stigmatization of single mothers and exposed their children to a greater risk of statelessness.

14. In 2018, an estimated 5.4 million persons in Nepal, or one quarter of the population aged 16 years or over, possessed no proof of citizenship, even though such documentation was a requirement for voting, marrying and claiming social benefits. Furthermore, the Committee had received reports that progressive court decisions and precedents concerning citizenship were inconsistently applied. Noting that the 2006 Nepal Citizenship Act was currently being reviewed and amended, she asked whether the State party planned to involve civil society and the national human rights institution in the consultations being organized in that connection; when the review of the Act would be completed and the proposed amendments enacted; and what changes the amendments in question would entail. Lastly, the delegation might indicate whether the State party intended to accede to the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness.

15. **Mr. Dhital** (Nepal) said that the 2006 Nepal Citizenship Act was already more progressive than its predecessor. The increasing number of Nepalese citizens moving overseas and non-resident Nepalese citizens had posed new challenges, which the Government was endeavouring to address. Women were entitled to the same proof of citizenship as their male counterparts and had access to State benefits on an equal footing.

16. A court decision had been handed down that allowed single mothers to transmit their citizenship to their children and to register them under the mother's family name when the children's father was unknown. A special procedure had to be followed in order for persons born to a Nepalese mother and a non-Nepalese father to obtain Nepalese citizenship

through naturalization. Various citizenship issues were being discussed in the context of the review and amendment of the 2006 Nepal Citizenship Act. According to the Constitution, persons born to Nepalese parents in-country or abroad were entitled to Nepalese citizenship. In the past, registrations had been done manually and record-keeping had been poor, which could explain the administrative difficulties encountered in identifying Nepalese citizens and in providing them with proof of citizenship. The competent national authorities were developing a database to help expedite the issuance of such documentation. Local government units were likewise collecting data, and mobile teams distributed proof of citizenship in remote areas.

17. **Ms. Haidar** said that she failed to understand why, if eligible persons could obtain proof of citizenship upon request, there were still some 5.4 million persons who did not possess it. She found it regrettable that the next census would not take place until 2021, as it would have provided useful information that could have helped the State party address the current situation.

18. The fact remained that, in practice, a Nepalese man could transmit his citizenship to his children automatically, regardless of the citizenship of his wife, whereas a Nepalese woman whose husband was a foreign citizen could not and her children were obliged to acquire citizenship through naturalization, which amounted to discrimination. She asked whether the proposed amendments to the 2006 Nepal Citizenship Act would address that situation.

19. **Mr. Gautam** (Nepal) said that the Government was fully committed to upholding the constitutional right of eligible persons to obtain Nepalese citizenship. The 5.4 million persons who possessed no proof of citizenship could well include refugees and their children, in addition to eligible persons who did not wish to claim their citizenship. In the past, eligible persons usually had not claimed their citizenship until they had been required to deal with the public authorities, with the result that the number of village dwellers in possession of proof of citizenship was very low. A blanket provision regulating the acquisition and conferral of Nepalese citizenship would fail to capture the specificities of the different categories of persons in the country and so was not a feasible option. In Nepal, naturalized citizens enjoyed all the same rights and benefits as citizens by descent, although they were barred from occupying certain high-level positions.

Articles 10 to 14

20. **Ms. Nadaraia** said that, although the State party had made significant progress towards achieving substantive equality between men and women in the field of education, the Committee remained concerned that literacy was still lower among women than among men, at 65.7 per cent, and that children living in remote areas, children with disabilities, Dalit children and children belonging to other ethnic minorities still struggled to gain access to adequate education, often as a result of neglect suffered in the mainstream education system. While the State party was to be commended on having achieved gender parity in primary school enrolment, it needed to do more to close the gender gap in higher education. Furthermore, the scholarship programme for girls still lacked an effective monitoring mechanism and, in general, schools did not have the infrastructural features necessary for creating a gender-friendly and accessible environment, especially in the aftermath of the 2015 earthquake. The proportion of female teachers in Nepal also remained unsatisfactorily low. She wondered whether the high dropout rate among female students could be attributed to the persistence of child marriage, particularly in the Dalit community, despite its having been outlawed. The Committee had also received reports that female students frequently suffered sexual harassment and sexual abuse at the hands of teachers. A further cause for concern was the small proportion of the State budget allocated to education in the 2018/19 fiscal year, namely 9 per cent, which would only make it more difficult for the State party to guarantee free and compulsory education. She asked what measures had been or would be taken to address those issues.

21. **Mr. Bergby** said that he wished to know what specific measures had been taken by the State party to eliminate horizontal and vertical gender segregation in the labour market, facilitate women's access to social protection and benefits and ensure the effective implementation of the law prohibiting sexual harassment in the workplace. In that regard,

he would welcome data on the prevalence of sexual harassment in the public and private sectors. He wondered what could account for the extraordinarily low reporting rates for that offence, whether appropriate complaint mechanisms had been established in all workplaces and whether all government departments and agencies had joined the Ministry of Women, Children and Senior Citizens in implementing the Anti-Sexual Harassment Code of Conduct. He would like to know what steps the Government had taken to ensure the comprehensive implementation of the Labour Act of 2017 and its attendant regulations. In particular, he invited the delegation to comment on reports that the provisions requiring equal pay for work of equal value in State-owned enterprises were not being implemented. He also wished to know how the Act was being used to create employment and self-employment opportunities for women and to increase the participation of Dalit women in the formal and organized sectors. Information on how the labour and social security rights of women working in the so-called entertainment sector and on how women were protected from abuse would also be appreciated.

22. He asked whether Nepal intended to become a party to the International Convention on the Protection of the Rights of All Migrant Workers and Members of Their Families and whether a time frame had been set for ratifying the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189). Referring to paragraph 33 of the Committee's previous concluding observations (CEDAW/C/NPL/CO/4-5), regarding the vulnerable situation of Nepalese women migrant workers, he said he would be grateful for more information on the bilateral agreements being entered into with a number of destination countries, including whether those agreements incorporated a gender-sensitive approach. It would also be useful to know whether the State party had any special programmes to reintegrate returning women migrant workers into the local labour market. Lastly, he asked whether the Government planned to implement the recommendations contained in the report of the Special Rapporteur on the human rights of migrants on his mission to Nepal, in particular those concerning women migrants and domestic workers (A/HRC/38/41/Add.1, para. 109).

23. **Ms. Narain** said that she wished to commend the State party for the numerous positive measures it had taken to improve women's access to health care. In particular, the recent enactment of the Right to Safe Motherhood and Reproductive Health Act of 2018 represented a major step forward for Nepalese women. Noting the high rate of unintended pregnancies and clandestine abortions in the country, she urged the Government to give priority to disseminating information about safe and legal abortion and contraception as it began to implement that Act. In that connection, she wondered whether the State party intended to decriminalize abortion in all cases, provide comprehensive sexual and reproductive health education to adolescent girls and boys and ensure the availability of adolescent-friendly sexual and reproductive health services.

24. She asked what action the Government was taking to reduce the rates of preventable maternal mortality and morbidity; address the unusually high number of uterine prolapse cases; and prevent obstetric violence, including unnecessary caesarean sections, by regulating and monitoring the practices of private health-care clinics. She noted with concern that certain groups of women, such as women with disabilities, Dalit women and women living in rural areas, continued to face obstacles that impeded their access not only to health-care services but also to nutritious food, clean drinking water and toilets. Dalit women, in particular, were often subjected to stigmatization and degrading treatment by health-care providers. She would therefore like to know what the State party was doing to eliminate discrimination in the provision of health-care services and whether consideration had been given to training Dalit women and girls as health volunteers in local health-care facilities. Information on how the Government intended to ensure that women in prostitution had full access to health-care services, including sexual health, would also be appreciated.

25. She would be interested to know whether there were plans to develop a more gender-sensitive approach to health care; assign more women medical practitioners to rural areas to help improve reproductive health care in such areas; and increase budgetary allocations for the establishment or improvement of health-care facilities in remote or disadvantaged areas.

26. **Mr. Dhital** (Nepal) said that the right to health was guaranteed to all Nepalese citizens. Health-care services were provided in all areas of the country and the Government aimed to provide support to persons in need, while taking into account the resources that were available. There were, admittedly, certain gaps and challenges that needed to be addressed, such as ensuring sufficient health-care personnel and access to quality and affordable medicines for all. The high incidence of uterine prolapse among women had drawn considerable media attention, and action had been taken to address the problem. For example, medical teams had been sent to the areas most affected in order to perform the necessary procedures or provide additional support. There was now increased public awareness of the issue, which had helped to encourage women to seek assistance.

27. There were various reasons why abortions could only be carried out under specific conditions — which were briefly described in his country's replies to the list of issues (CEDAW/C/NPL/Q/6/Add.1, para. 108) — including the need to ensure that women provided their express consent before undergoing such a procedure and to prevent the practice of sex-selective abortion. In certain circumstances, such as in the case of rape or incest, abortions could be performed after the 12-week limit.

28. Concerning employment, women had the right to participate in the labour market on an equal footing with men. The principle of equal pay for work of equal value was enshrined in the Labour Act of 2017, which also set out minimum daily and monthly wages for workers. While employers were required to comply with those provisions, it was difficult to monitor the informal sector, which was where many women, especially in remote areas, were employed. In addition, a dearth of decent jobs in Nepal forced many people to seek employment opportunities abroad. Depending on the situation of labour and social rights in the destination country, women migrant domestic workers were sometimes in a particularly vulnerable position. For that reason, the Government was seeking to sign labour agreements with destination countries with a view to establishing good terms of employment.

29. **Ms.** Radhika **Aryal** (Nepal) said that various efforts had been made to reduce geographical disparities and improve access to education, in particular for Dalit women and girls and for women and girls with disabilities. For instance, the Government had provided support to the different religious schools in the country in order to help them align their curricula with that of the mainstream education system. It had also introduced a number of educational scholarships and grants to cover the cost of, among other things, transport to and from school and assistive devices for women and girls with disabilities. University scholarships were also available to encourage students with disabilities to pursue higher education. To encourage more women to enrol in technical, vocational and higher education, the Government had increased the budget allocated to those areas for the current fiscal year and had launched a programme of educational loans at a low rate of interest for disadvantaged groups. Lastly, it should be pointed out that local governments were now responsible for managing primary and secondary education. Provision was therefore made in local government budgets specifically for education spending. In addition, although the percentage share of the federal budget allocated to the Ministry of Education appeared to be small, the overall education allocation had actually increased in absolute terms every year for the past five years. Replies to the questions regarding employment would be provided to the Committee in writing.

30. **Ms. Bethel** said that, while the State party's efforts to reduce poverty were commendable, the Committee was concerned to note that 25 per cent of the population — in particular, disadvantaged groups such as rural, indigenous and Dalit communities — continued to live below the poverty line. She wished to know what measures had been or would be taken to implement macroeconomic, social and sectoral policies aimed at tackling the root causes of poverty and gender inequality, in line with the Sustainable Development Goals; expand poverty alleviation programmes to cover the most disadvantaged groups; remove the obstacles preventing women in disadvantaged groups from qualifying for economic and social benefits, such as the difficulties they faced in obtaining proof of Nepalese citizenship; and enable disadvantaged women to own land and gain access to income-generating activities. The high poverty rate among women was also linked to unpaid care work. She would therefore like to know what steps the State party was taking to

recognize, reduce and redistribute unpaid care work, such as by investing in infrastructure and social services; ensure that employment policies improved the labour market conditions and availability of decent work for women; and strengthen initiatives aimed at encouraging the sustainable economic empowerment of women, including by providing them with access to collateral-free credit.

31. She would like to know how the State party intended to combat hunger and ensure food security, in particular for disadvantaged groups such as indigenous, Dalit and rural women; tackle the structural causes of hunger and malnutrition; and ensure equal access to food, safe drinking water and resources such as fuel by eliminating discriminatory practices, particularly against indigenous and Dalit women. She invited the delegation to comment on reports of forced evictions, including in the context of development projects, and on the lack of a comprehensive housing policy, which reduced the access of marginalized women and their families to adequate housing.

32. Noting that women were often employed in the informal sector, she asked what measures were being taken to establish a social protection floor in line with the ILO Social Protection Floors Recommendation, 2012 (No. 202). Lastly, she was concerned at reports that relief and support efforts in the wake of the 2015 earthquake had been inadequate and had failed to reach the vulnerable groups of women and girls disproportionately affected by the disaster. What measures had the State party taken to address that issue?

33. **Ms. Hofmeister** said that, although the country's mountainous environment made it difficult to establish certain types of infrastructure, particularly in remote areas, there was no justification for disparities between men and women in terms of landownership. The State party should understand that women's rights were human rights and that equality between men and women should be established now rather than at some distant point in the future. The State party was urged to take account of multiple and intersecting forms of discrimination, as a result of which many women faced additional barriers to equality because of their race, language, religion or sexuality, among other factors. For instance, Dalit women and girls faced severe caste and gender discrimination, and widows of all ages were often subjected to harmful practices, harassment and exclusion, as were female and transgender sex workers, indigenous women, women with disabilities, and lesbian, bisexual, transgender and intersex women. In its efforts to implement the Convention, the Government should consider the Committee's general recommendations Nos. 34, 35 and 37, which addressed the rights of rural women, gender-based violence and the gender-related dimensions of disaster risk reduction, respectively.

34. The Committee would be interested to learn what steps were being taken to address the issue of intersectionality in gender-related policy, how the State party would ensure that civil society and women's non-governmental organizations were actively involved in legislative processes and what proportion of the budget for the forthcoming fiscal year would be allocated to capacity-building and awareness-raising activities in the area of gender equality.

35. The Committee would welcome further information on displaced women and girls who were living in shelters and on the amount of time that it took them to be reintegrated into society. It also wished to learn what was being done to ensure that women and girls with sensory and intellectual disabilities could obtain access to health care, education and the justice system and what measures would be taken to legalize same-sex marriage. Lastly, she asked for further information on the situation of widows in the Hindu community.

36. **Mr. Dhital** (Nepal) said that the Constitution and the legal framework of Nepal took into account the rights of every sector of society, including Dalit and indigenous women. As a landlocked developing country, Nepal faced many structural challenges and constraints. Although the range of viable economic activities was limited, the Government focused on those sectors that had the most potential, including renewable energy sources and off-grid energy projects through which electricity could be supplied to remote areas, agriculture could be modernized and creativity and innovation could be enhanced. In order to address the problem of unemployment, high-level plans were in place to create an additional 5 million jobs within five years. In order to promote entrepreneurship among

women, a specific programme had been established that was primarily aimed at women in rural areas. To date, that programme had benefited almost 1 million people.

37. The poverty rate had fallen from 25 per cent to 23 per cent in recent years, but had risen slightly in the wake of the earthquake in 2015. In addressing the issue of poverty, the Government made efforts to focus on those parts of the country where economic opportunities were fewest. In that regard, specific programmes for assisting persons belonging to vulnerable communities, including the Dalit, had been established.

38. **Ms. Bethel** said that she would welcome further information on civil registration, citizenship and lack of access to social services. It would be interesting to learn what steps were being taken to distribute land more equally, including among Dalit and indigenous women. It was still not clear what measures were in place to promote the right to housing and to combat forced evictions.

39. **Ms.** Radhika **Aryal** (Nepal) said that, as part of the Government's efforts to ensure that value was attached to unpaid care work and domestic work carried out by women, plans were in place to conduct a survey of such work in conjunction with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women) and the World Bank. In order to address the issue of food insecurity, the Parliament had recently adopted the Right to Food and Food Sovereignty Act, which gave priority to the needs of women. Food security cards were made available to households that included at least one woman 18 years of age or older. The Government had been implementing the Multisectoral Nutrition Plan in order to address deficiencies, particularly among pregnant and breastfeeding mothers and their children.

40. Forced labour had been prohibited and efforts had been made to distribute land to communities that had previously been subjected to such labour. The Government had established indicators and plans to promote the fulfilment of the Sustainable Development Goals at the local level. In order to address the situation of widows in the Hindu community, the Government had established the Single Women's Security Fund, which was intended in particular to ensure that poor women and those living in remote areas could obtain access to health care, education and opportunities to develop their skills.

41. **Mr. Gautam** (Nepal) said that, under the Right to Housing Act, persons who had no access to land or housing were entitled to financial support for the construction of housing in coordination with the national Government, provincial governments and local entities. To that end, the local authorities were required to collect data on families that lacked housing and land and to ensure that those families received the appropriate support. Identity cards were issued to facilitate that process. Measures had also been taken to ensure that compensation was provided to persons subjected to forced displacement or eviction as a result of development projects.

Articles 15 and 16

42. **Ms. Halperin-Kaddari**, noting that marriages involving persons below the age of 20 were deemed to be null and void under section 173 of the Criminal Code but valid and voidable under sections 71 and 73 of the Civil Code, said that she would welcome clarification of the exact legal status of such marriages. In that regard, it would be interesting to learn when the National Assembly would consider the bill aimed at resolving the inconsistency in question. In view of the fact that children who married were often forced to do so, she asked why that bill did not amend the relevant sections of the Civil Code to ensure that children would not be punished for marrying, particularly as such punishments did not appear to be in line with the recently adopted Children's Act.

43. She asked how the State party would resolve the inconsistency inherent in the fact that, although bigamy was prohibited, a woman who bore a child was deemed, under the Civil Code, to be married to the father of that child when the birth was not the result of rape or incest.

44. Given that the recognition of customary and religious marriages and the State party's failure to establish mandatory marriage registration could result in violations of the rights of women and girls, she asked whether measures would be taken to ensure that all

marriages were registered. In addition, the Committee wished to know what was being done to raise awareness of the importance of marriage registration and whether the Government would protect the rights of Muslim women and girls by banning the practice of triple *talaq* divorce.

45. In view of the fact that, under the new Civil Code, the property rights of women in a divorce were protected only when the husband was found to be at fault, she asked whether legislative amendments would be adopted that would bring the relevant parts of the Civil Code into line with the Committee's general recommendation No. 29 (2013), which required that property rights should not be affected by the cause of a divorce and that States parties should adopt a marital property regime that provided for shared property and recognized non-financial contributions made by women to the acquisition of property during marriage.

46. Noting that the land revenue authorities asked for the written consent of sons, but not daughters, when they registered deeds governing the partition of parental property, she asked whether measures would be taken to ensure the enforcement of the law granting married daughters the right to an equal share of such property.

47. **Mr. Gautam** (Nepal) said that the practice of triple *talaq* divorce was completely prohibited under the Civil Code. Any divorce that did not meet the requirements set out in law was considered to be unlawful. Where inheritance rights were concerned, the law made no distinction between the rights of married and unmarried daughters. Both daughters and sons had an equal right to inherit parental property, and any failure to enforce those rights probably stemmed from patriarchal attitudes and values and would be addressed through education and awareness-raising activities.

48. **Ms. Halperin-Kaddari**, noting that States parties were required under the Convention to eradicate all norms that constituted discrimination against women, said that she wished to know whether triple *talaq* divorce was explicitly prohibited by law or whether it was simply not recognized in the civil legal system.

49. The legislation governing the division of property in the event of divorce appeared to be discriminatory in that it stipulated different grounds for divorce for men and women and did not protect the property and alimony rights of women when they were found to be at fault.

50. **Mr. Gautam** (Nepal) said that legislation governing women's property rights in the event of divorce provided for exceptions only in cases where the husband had children from a previous relationship. Such exceptions were made in order to ensure that children were not left without any inheritance.

51. **Mr. Dhital** (Nepal) said that it had been an honour and a pleasure to engage in the interactive dialogue with the Committee. The delegation was grateful to the Committee for taking such a keen interest in the implementation of the Convention in Nepal. The insights and experience that it had shared were valuable and would help the Government to address the challenges that it faced in implementing the Convention. The delegation was encouraged by the Committee's appreciation of the constitutional and legal framework established for the advancement of human rights in general and the Convention rights in particular. Although much work remained to be done before the Convention could be fully implemented, the dialogue with the Committee had strengthened the Government's commitment to attaining that goal in collaboration with civil society and the country's development partners.

52. **Ms. Thapa** (Nepal) said that she wished to thank the members of the Committee for scrupulously analysing the efforts made by the Government to end all forms of discrimination against women. The Government would take all the Committee's comments seriously and would make every effort, in accordance with its resources, to implement the recommendations arising from the dialogue.

The meeting rose at 5 p.m.

United Nations CEDAW/C/SR.1633

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Seventy-first session

Summary record of the 1633rd meeting
Held at the Palais des Nations, Geneva, on Wednesday, 24 October 2018, at 10 a.m.

Chair: Ms. Leinarte

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Seventh periodic report of the Congo

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The meeting was called to order at 10.10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Seventh periodic report of the Congo (CEDAW/C/COG/7; CEDAW/C/COG/Q/7 and CEDAW/C/COG/Q/Add.1)

1. *At the invitation of the Chair, the delegation of the Congo took places at the Committee table.*

2. **Ms. Ingani** (Congo), introducing the seventh periodic report of the Congo (CEDAW/C/COG/7), said that, since the institution of the new Republic following the 25 October 2015 referendum, steps had been taken to boost women's participation in political and public life. The principle of equal access to political, elected and administrative functions had been enshrined in the new Constitution, which also provided for the creation of a Women's Advisory Council tasked with advising the President and the Government on women's issues and women's inclusion in development. According to the implementing legislation the Council's membership was to be exclusively female. A national programme for the period from 2017 to 2021, on women's leadership in political and public life, had been developed by her own ministry, the Ministry for the Advancement of Women and the Integration of Women in Development, with the support of the United Nations Development Programme (UNDP). The proportion of women in ministerial positions, the Senate and the National Assembly had increased, as had women's share of seats on departmental and municipal councils.

3. Equal access to education and training was guaranteed under the Constitution, which also stipulated that schooling was compulsory up to the age of 16. To address the problem of discrimination against girls at school, an inclusive education policy had been developed for the period from 2015 to 2025; furthermore, a national strategy to ensure girls' enrolment in school and correct the disparity between girls and boys at all levels of education had been developed in partnership with the United Nations Children's Fund (UNICEF). The National Educational Research and Teaching Institute had published a module on gender equality that would be incorporated into school curricula in the following school year.

4. In the area of health, implementation of the 2014 strategic framework to combat HIV/AIDS and sexually transmitted infections was continuing, with the notable addition of a special programme on mother-to-child transmission. To combat discrimination and stigmatization, legislation had been introduced in 2011 to protect the rights of persons living with HIV; the associated regulations were in the pipeline. With the support of various partners, her ministry was busy implementing the 2017–2021 plan of action to improve the protection of the rights of women living with HIV/AIDS.

5. The Ministry of Health and Population had recently launched an extensive campaign to raise women's awareness of breast and cervical cancer and encourage them to seek diagnostic screening. The three screening centres that had been set up as part of the campaign received some 50 female visitors a day. Those who tested positive were eligible for free treatment consisting of medication provided by the Roche pharmaceutical company and subsidized by the Government.

6. As to the protection of women's rights, she said that the overhaul of the relevant legislative codes launched some years previously with the support of the European Union had reinforced the rights of married women and widows.

7. In criminal trials across the country, there had been numerous convictions for rape and sexual assault against minors. Meanwhile, as part of efforts to combat violence against girls and women, an agreement had been signed in March 2018 between her own ministry, the Ministry of the Interior and Decentralization, the Ministry of Post, Telecommunications and the Digital Economy and various telephone companies to set up a free nationwide telephone hotline to enable victims and witnesses to report incidents of gender-based violence anonymously and safely.

8. In an effort to increase women's financial independence, an extensive programme had been launched to achieve self-sufficiency in basic food products. The programme was an ambitious one and would involve all sectors of society and women in particular, given their predominance in agriculture and in the processing and sale of agricultural and fishery products. Her own ministry had launched a nationwide awareness-raising campaign to encourage women to set up cooperatives to take part in the programme. In addition, new legislation regulating land use and acquisition contained a special provision acknowledging women's right of access to land and nullifying all customs or traditions that restricted that right. Support for women's income-generating activities was provided by the Government and development partners, in the form of farm tools and safety equipment such as life vests.

9. All the Government's initiatives for women were carried out in the framework of the 2018–2022 human rights-based National Development Plan and of the 2017–2021 National Gender Policy, both of which incorporated the goals of the 2030 Agenda for Sustainable Development. They had been made possible thanks to the return of peace to the country, and notably in the department of Pool, with the signing of the cessation of hostilities and ceasefire agreement in December 2017 between the Government and the forces of Pastor Ntoumi. A national plan of action for the implementation of Security Council resolution 1325 (2000) had been adopted in May 2018.

Articles 1 to 6

10. **Ms. Schulz** said that the Committee was aware of the problems facing the State party, particularly those resulting from the recent conflict in the department of Pool. It nevertheless found the lack of implementation, or delays in implementation, of its previous recommendations regrettable. The information in the State party's report was incomplete and the common core document, which dated from 1996, did not reflect the many changes that had taken place since then.

11. Despite the fact that 36 years had passed since the State party had ratified the Convention, and notwithstanding the overhaul of its legislation that had been in progress for several years, many laws, some of them dating from colonial times, continued to discriminate against women, among other things undermining efforts to increase women's autonomy. She would like to know why the draft legislation submitted to the Ministry of Justice more than two years previously had still not been adopted. Would they be validated and published by December 2018, as stated in the State party's written replies to the list of issues (CEDAW/C/COG/Q/7/Add.1), and if so, what training was envisaged to enable judicial and court officials to take due cognizance of the new provisions?

12. She would like to know why the State party had still not incorporated into its legislation provisions reflecting the definition of discrimination contained in article 1 of the Convention, despite the stipulation in the preamble to the Constitution to the effect that the fundamental principles contained in international human rights instruments were an integral part of the Constitution.

13. The United Nations Treaty Collection database contained no indication that the Congo had ratified the Optional Protocol to the Convention, or that it had accepted the amendment to article 20 (1) of the Convention, despite the statements in paragraphs 131 and 132 of the State party's report. She wondered whether the problem was a delay in depositing the relevant instruments or the fact that the decisions had not yet been taken.

14. She would like to know what percentage of women had been informed of their rights as a result of the measures described in the State party's report. Noting that geographical factors made courts inaccessible to many women, she said that she would like to know how much of the country was still not served by the official court system. Specifically, it would be interesting to learn whether there were any arrangements in place for mobile courts to hold hearings in local communities and, if so, what percentage of the female population in those communities attended the hearings. She would like to know how far the State party had gone in doing away with traditional courts, which were the only kind of court many women had access to, geographically, financially or culturally.

15. Courts were expensive and the vast majority of women were poor. She would like to know when free legal aid would be instituted and whether judicial fees were likely to be

reduced in order to make the courts accessible to the poorest members of the population, including women. It would be useful to hear about any measures in place to combat corruption in the judicial system, which was another factor that discouraged women from bringing proceedings.

16. Many violations of women's rights were caused by the existence of a parallel system of State law and customary law. She would like to know what measures were in place to ensure that women who applied to the traditional courts, for example to settle family disputes, received equal treatment as guaranteed under the Convention. Could the judgments of traditional courts be appealed in the State courts?

17. **Mr. Tsiba Egombo** (Congo) said that the legislative review had been completed and would shortly be considered by Parliament. The revised legislation contained a definition of discrimination that was in line with the Committee's recommendations. The Optional Protocol had indeed been ratified but there had been a delay in depositing the relevant instrument.

18. Access to justice was one of the areas covered by the legislation under review, although no distinction was made between men and women. Court fees were not set by law and indeed court proceedings were free of charge; what was expensive were lawyers and other professionals involved in the proceedings. Efforts were being made to reduce such costs.

19. There was legislative provision for mobile courts, which held hearings regularly in all departments. However, the dearth of resources caused by the current crisis had made it difficult to maintain them. As for the status of the judgments of customary courts, where a party cited such a judgment in an ordinary court, there was no legal obstacle preventing its being taken into account. However, the decision to do so was made on a case-by-case basis and at the court's discretion.

20. **Ms. Mbemba Talansi** (Congo) said that some of the legal codes, in particular the Personal and Family Code, had required extensive revision; that was the reason for the delayed adoption of the codes. A training programme had been set up, in partnership with the French National School of the Judiciary, to upgrade the skills of legal personnel in various areas, such as issues specific to children or women, in order to help them apply the codes. The next training session was under preparation and targeted not only judges, but also prison administration personnel. The codes prohibited all forms of discrimination against women. In the Congo, the law treated women and men generally on an equal footing, but provided a greater degree of protection for women and women's rights.

21. The Congolese courts held mobile court hearings as required. Such hearings, although they demanded considerable resources, were particularly valuable in making justice accessible to indigenous peoples. While filing proceedings was free in the Congo, justice system personnel — bailiffs, lawyers and notaries — had to be paid. The Government was at present considering ways of reducing the cost of employing such professionals. The legal system in the Congo was going through a period of ground-up reform, and the Supreme Judicial Council was overseeing the introduction of a code of ethics that would help eliminate corruption among magistrates, law clerks and other legal personnel.

22. Customary law decisions did not have force of law in the Congo, but they were taken into account by the Congolese legal system. Persons coming before the national courts who had previously been before the traditional courts could submit the records of the traditional court hearing to the national court, where it would be given the same weight as the report of a preliminary inquiry.

23. **Ms. Schulz** said that it was not clear that the revision of the various codes was considered as a priority by the Government, as it had been ongoing for many years and had yet to be concluded. The Personal and Family Code urgently needed to be adopted, to remove some of the worst forms of discrimination still present in the national legislation. Noting the delegation's affirmation that the codes included the definition of discrimination against women as it figured in article 1 of the Convention, she said the Committee was nevertheless concerned that the bicameral Parliament might seek to reopen discussion of

the texts of the codes and adopt alternate wording. The recently developed code of ethics that had been drafted was no doubt useful, but additional practical and visible measures were needed to combat corruption.

24. She would be grateful for information concerning measures taken to uphold the rights of women fighting to keep their lands and to protect them from violence carried out directly or indirectly by companies to force them to leave. It would be useful to know what measures had been taken to correct the environmental damage caused by industry. What compensation was awarded to women landowners when the State granted a license for industrial development on lands traditionally used for farming? How many trials had taken place, respectively, following land evictions and following attacks made against women defending the rights of farming populations?

25. **Ms. Verges** said that she would appreciate more detailed information on the reasons for the delay in the adoption of the codes and on whether, during the consultation process, all stakeholders had been involved, including religious representatives. It would be interesting to learn what measures the Government had taken to rectify the judiciary's lack of independence.

26. **Ms. Ingani** (Congo) said that the Congo, like a number of Central African countries, was a new democracy and was standing at a crossroads: a fully developed democratic system could not be put in place instantly, but progress was being made towards that goal and there was political will to do so eventually. In the department of Pool, the women of the Congo had actively implemented Security Council resolution 1325 (2000) on women and peace and security, by playing a major role in the achievement of a peaceful solution to the conflict and in the maintenance of the ceasefire. Women had supported the new Constitution, in which they saw their interests reflected. In particular, the law on parity and the establishment of the Women's Advisory Council had garnered their support.

27. A free helpline had been put in place to allow victims of violence to call for immediate assistance. Certain unsatisfactory convictions in cases involving violence against women had been reviewed, upon the order of the Ministry for the Advancement of Women and the Integration of Women in Development; the resulting revised decisions had been deemed satisfactory by the victims. In addition, the law on landownership had been revised to allow women access to property and to inherit land from their husbands throughout the national territory. The delayed adoption of the revised Personal and Family Code had arisen from the fact that 70 per cent of women in the country were married according to traditional custom rather than under State law and it was important that the law should cover all women. Many stakeholders had taken part in the reformulation of the codes, including religious representatives, women's rights associations and others. The inheritance rights of women who had married under a dowry arrangement, or who were not officially married, would now be guaranteed in the Congo.

28. **Ms. Ameline**, noting the adoption of a new plan for implementing Security Council resolution 1325 (2000) for 2018–2024 in the department of Pool, asked what governance framework had been established for the plan. Given the near impossibility for humanitarian organizations to enter the region and bring aid, she said she would like to know what emergency measures had been taken in respect of the 13,000 displaced persons in the region and in respect of the humanitarian crisis, more generally, and what resources had been made available to support those efforts. She would appreciate clarification regarding the institutional framework to support the Women's Advisory Council and the strategy adopted under the National Development Plan for the period 2018–2022. Additional information on the budgetary resources allocated to those initiatives, the training on women's rights envisaged for public officials, and the financial priority given to promoting women's rights by the Government would also be welcome. In 2013, the State party had committed to establishing a gender-responsive budget. Despite the economic crisis in the country, it was essential to adopt a holistic approach, associating the Sustainable Development Goals with the objectives of the Convention in order to take full advantage of the leadership that could be provided by women. She would like to know whether the Committee's concluding observations would be discussed in Parliament, what visibility they would be given and what strategy would be applied to raise the awareness of Parliament regarding the Convention and thus promote its implementation.

29. **Ms. Nadaraia** said that despite the provision under national legislation for increased quotas of women in public office, the 2017 elections had resulted in only a very modest rise in the number of elected women representatives. She would like to know if the State party planned to introduce temporary special measures to increase opportunities for women to be elected to public office and, more generally, to achieve equality in areas where women were underrepresented and subjected to discrimination.

30. **Ms. Adou Ngapi** (Congo) said that in parallel to the drafting of the new codes now before Parliament, preparatory and advocacy work regarding the texts had been carried out with parliamentarians. It was therefore not anticipated that they would be extensively debated by the two houses. On the question of expropriation of women from their lands, the State had established a compensation procedure. In the case of the women expelled from the market garden belt in Brazzaville, the State had provided expropriated persons with new land. There were a number of associations defending the rights of women landholders in the Congo; they received the support of the Government.

31. The Supreme Judicial Council had taken action to ensure the independence of the judiciary, including by sanctioning judges guilty of corruption, in seven cases removing them from their functions.

32. Access by humanitarian organizations to the department of Pool during the armed conflict had been restricted for safety-related reasons. Now they were all present on the ground and, following the signature of the Cessation of Hostilities and Ceasefire Agreement, displaced persons were returning to their communities, where the Government and its development partners were helping them to rebuild their lives. The Ministry for the Advancement of Women was implementing and promoting Security Council resolution 1325 (2000) in the region.

33. With regard to according financial priority to the promotion of women's rights, the Government had formulated a human rights-based national development programme, and allocated it a budget, despite the crisis. The second-generation national gender policy and the related action plan (2017–2021) also provided impetus for women's rights in all sectors. The country had not yet achieved the objective of introducing gender-responsive budgeting, which necessitated training all ministerial planning directors in such budgeting. Gender focal points had however been appointed in all the ministries.

34. Temporary special measures in the Congo were focused on raising women's awareness of opportunities for election to office. Campaigns were organized each time an election was to be held to encourage more women to run. The Women's Advisory Council would continue to promote the objective of parity in the country.

35. **Ms. Ameline** said that it was of utmost importance for the State party to accelerate the promotion of women's rights by coordinating efforts made under the Convention, the resolutions on women and peace and security and the Sustainable Development Goals. A well-funded strategy with clear goals was required to ensure that women played a role in the economic and social transformation of country.

36. **Ms. Verges** said that temporary special measures were a vital tool in all sectors in which women were underrepresented, and not just in electoral quotas. The training of gender focal points should be a priority to enable them to safeguard women's rights effectively.

37. **Ms. Schulz** said that it was not sufficient to have provisions establishing quotas for electoral lists. Political parties might, for example, place women candidates further down the list, thereby spoiling their chances of election. Practical measures, such as the targeted recruitment of women and the provision of continuous training throughout their careers, were required to ensure gender parity in the public sector.

38. **Ms. Ingani** (Congo) said that the principle of parity between men and women was enshrined in article 17 of the Constitution and it was for the law to ensure that parity was reached in practice. A draft law on parity, which had drawn inspiration from laws in other countries, was currently under consideration by the Council of Ministers and, if approved, would subsequently be brought before Parliament. Moreover, a government action plan had been proposed to achieve parity by 2030 and an awareness campaign would be launched in

2019 to persuade all stakeholders, particularly those with traditional viewpoints, of the merits of parity in terms of the country's development. The Electoral Act of 2014 guaranteed that 30 per cent of candidates on electoral lists were women. However, that did not translate into 30 per cent of elected representatives being women. The Government was aware of that shortcoming and would seek to remedy it in the next review of the Act.

39. **Mr. Tsiba Egombo** (Congo) said that the Women's Advisory Council had been established under the 2015 Constitution. It was comprised entirely of women and its purpose was to advise the President on matters pertaining to women's rights and make recommendations to the Government to promote the inclusion of women in development.

40. **Ms. Kodia** (Congo) said that, since the ceasefire agreement in December 2017, almost all displaced populations of the department of Pool had returned home. The focus of aid efforts by the Government and non-governmental organizations (NGOs) had thus shifted from disarmament and demobilization towards the reintegration of the previously displaced populations into society. No-go areas no longer existed. The Government had assisted the World Food Programme in setting up school canteens in towns and villages across 13 districts in the Pool region. The destroyed homes of displaced persons were being rebuilt and persons in need had been provided with temporary accommodation in tents by the Office of the United Nations High Commissioner for Refugees (UNHCR).

41. **Ms. Schulz** said that the most effective penalty for violations of the quota of women on electoral lists was to declare the result null and void. Other countries with quotas on their electoral lists had the policy of alternating the names of men and women. She was concerned that having an all-female Women's Advisory Council might run counter to its intended goals by lending credence to the idea that women's issues lay solely in women's hands.

42. **Ms. Ameline** said that, while the progress made since the ceasefire was welcome, a careful assessment of the rights violations and violence during the conflict was required.

43. **Ms. Ingani** (Congo) said that the first two thirds of the electoral lists alternated the names of men and women, which in part explained the increase in the representation of women after the most recent elections.

44. **Ms. Kodia** (Congo) said that the assessment of women victims of violence was conducted as part of the disarmament, demobilization and reintegration programme. While there had been many cases of psychological violence, no reports had been received of physical violence over the two years in which the programme had been running. Clinics offering counselling services had been set up to treat victims of psychological violence.

45. **Ms. Rana**, noting that many of the awareness-raising campaigns mentioned in the replies to the list of issues (CEDAW/C/COG/Q/7/Add.1, para. 38) were annual day events, said that she wished to know whether an assessment had been conducted of the impact of the country's awareness-raising programmes on societal change. Given the persistence of harmful traditional practices and stereotypes against women and girls, she would be interested to hear whether the State party had considered introducing sustained and institutionalized awareness-raising programmes across all government entities, and how civil society might be engaged in them.

46. Domestic violence continued to be a widespread problem, exacerbated by the absence of a comprehensive law and adequate penalties. Noting that the draft comprehensive strategy to address gender-based violence had been completed in 2017, she wondered what had delayed the implementation of the strategy for almost a year. She would appreciate assurances that the implementation of the strategy would indeed begin by the end of the year. Furthermore, it would be helpful to have a clear timeline of the adoption of the draft law on gender violence, which covered sexual harassment, forced and levirate marriages and female genital mutilation. Since there was no clear structure or mechanism for the collection of gender-disaggregated data on the care of victims, she wished to hear about the State party's plans to improve data collection and the entity that would be responsible for gathering and disseminating the data. Regarding care centres for women victims of violence in hospitals, she would appreciate information as to how many such centres had been established and what kind of services were provided. In view of the

high rates of violence, she asked whether there were any long-term shelters and, if not, whether the Government would consider establishing such shelters.

47. **Ms. Verges** said that she would appreciate a time frame for the adoption of a bill on trafficking in persons, which had been initially approved in July 2013. She wondered whether the bill took into account the study on human trafficking that had been conducted in the same year and the law provisions in place to prevent, suppress and punish trafficking in persons in accordance with international instruments. In terms of the activities undertaken in conjunction with civil society organizations to combat prostitution, she would welcome an explanation of the support offered by the Government to women and girls who sought to leave prostitution. Although the State party had acceded to an array of regional and international instruments to combat trafficking, those instruments had not been properly implemented. She thus wished to know what measures the State party was adopting to give full effect to those instruments. What steps had been taken towards ratifying the United Nations Convention against Transnational Organized Crime and the Protocols thereto?

48. **Ms. Ingani** (Congo) said that the prohibition on levirate marriage had been included in the review of the Family Code. Female genital mutilation was not practised in the Congo and was prohibited by law along with forced marriage. Action had been taken to raise awareness of forced marriage in remote areas, where the practice continued in violation of the law. The bill on gender violence would be enacted in 2019. A number of measures had been taken in collaboration with the Ministry of Agriculture, Livestock and Fisheries to tackle issues affecting rural women, including climate change, on the International Day of Rural Women celebrated in October.

49. **Ms. Ossey** (Congo) said that there were no limitations on access to public office. On 30 April 2018, a census had found there to be 61,195 civil servants in the country, of whom roughly half, had been women.

50. **Ms. Adou Ngapi** (Congo) said that the National Centre for Statistics and Economic Studies was the body responsible for the collection of official government statistics, the collection of which remained a major challenge, despite the support of the United Nations Population Fund (UNFPA). The recently established hotline for women victims of violence would encourage reporting and thereby help to provide a clearer idea of the scale of the problem. Plans were in place to build a rehabilitation centre for such victims, including those living with HIV/AIDS, though there were already shelters offering medical and psychological support and counselling services run by NGOs.

51. **Ms. Rana** asked how the State party ensured the implementation of national laws prohibiting harmful traditional practices, how many hospitals offered specific health-care services for such victims, what kind of services were provided and whether a comprehensive strategy to combat violence against women would be implemented by the end of 2018.

52. **Ms. Gabr** said that female genital mutilation, despite having no basis in Christianity or Islam, continued to be performed mainly in countries in the Nile Basin. The State party's authorities should raise awareness of the nature of the practice, particularly among religious leaders and persons living in rural areas.

53. **Ms. Ingani** (Congo) said that the planned rehabilitation centre for survivors of violence against women and girls, including those living with HIV/AIDS, had been inspired by the one-stop centres found in Rwanda. Provision had been made for the centre in the national budget approved by parliament. It was hoped that the centre, which would be able to provide temporary accommodation for up to two weeks, would reduce rates of gender-based violence. Organizing the longer-term accommodation and social and family reintegration of victims was a task incumbent on the Ministry of Social Affairs, Humanitarian Action and Solidarity. Psychological abuse was a cause for concern that was being prioritized by the Government, despite the difficult economic conditions in the country.

54. There were currently no plans to adopt legislation on trafficking or exploitation of prostitution. She reiterated that female genital mutilation was not a traditional practice in the Congo and was, in any case, prohibited.

Articles 7 to 9

55. **Ms. Nadaraia** said that, despite the existence of a legal framework guaranteeing their access to all areas of public life, women continued to be underrepresented in decision-making positions, especially at the highest levels. In that connection, she would be grateful for detailed information, including statistics, on the participation of women in the public and private sectors, including the judiciary. Noting that the 2006 amendment to the Political Parties Act had been seen as one of a number of measures designed to boost women's political participation, she asked what the measures had achieved and what steps had been taken to eliminate cultural barriers to women's access to certain high-level posts and to combat the sexual harassment that sometimes discouraged women's participation in political events. Further information on the national action plan for implementing Security Council resolution 1325 (2000) would also be appreciated.

56. **Ms. Gabr** said that she wished to know whether the Nationality Code had been revised to grant women equal rights with men in the transmission of their nationality to their children and foreign spouses, whether the children of Congolese women with foreign spouses faced any administrative problems and what was being done to ratify the 1954 Convention relating to the Status of Stateless Persons and the 1961 Convention on the Reduction of Statelessness. She invited the delegation to comment on the access to birth registration of indigenous peoples and displaced populations and urged the State party to raise awareness of the importance of birth certificates among administrative officials and the general public.

57. **Ms. Ingani** (Congo) said that the President of the Congo had expressed a strong political will to promote and protect the rights of indigenous peoples. The Government's current focus was on raising awareness that such peoples had the same rights as other citizens, that they did not have to live in substandard conditions and that the term "*autochtone*" ("indigenous") was not in any way derogatory. The Ministry for the Advancement of Women and the Integration of Women in Development held frequent events with the participation of indigenous women and, earlier that year, on the occasion of International Women's Day, had included two indigenous women in a delegation that it had sent to New York.

58. In recent years, significant progress had been made with regard to the representation of women in diplomacy. In her capacity as Minister for the Advancement of Women and the Integration of Women in Development, she was often asked by the Ministry of Foreign Affairs and Cooperation to provide lists of suitable women candidates for ambassadorial roles. Women were also well represented in local government councils, which were a stepping stone to more senior positions within government.

59. **Ms. Adou Ngapi** (Congo) said that the offence of sexual harassment would be taken into account in ongoing legal reforms. The National Development Plan for the period 2018–2022 provided for monitoring and evaluation mechanisms to ensure its effective implementation.

60. **Ms. Mbemba Talansi** (Congo) said that awareness-raising campaigns were under way to empower women and girls and to change traditional perceptions of their roles in society. In recent years, the number of women judges had grown steadily, in part thanks to the reopening of the Legal Service Training College. Of the five courts of appeal in the country, two were headed by women. With regard to violence against women, court officials and criminal investigation officers liaised with parastatal facilities for the provision of support to women victims of violence with the aim of guaranteeing that perpetrators were brought to justice.

61. The foreign spouses of Congolese women could be granted Congolese citizenship from the start of their sixth year of marriage, provided that they showed signs of cultural integration. Citizenship could also be obtained through a process of naturalization. Children born on Congolese soil were automatically entitled to a certificate of Congolese nationality,

regardless of their parents' nationalities. Judicial officials were expected to take steps to facilitate the access of indigenous peoples to free birth certificates.

62. **Ms. Gabr** said that she would like to know specifically whether the Nationality Code had been or would be revised to grant women equal rights with men to transmit their nationality to their children and foreign spouses. In that connection, she asked whether the foreign spouses of Congolese men could be also granted Congolese citizenship from the start of their sixth year of marriage.

63. **Ms. Verges** said that she would welcome details of the content and scope of the National Programme to Promote Women's Leadership in Political and Public Life 2017–2021. Noting that one of the shortcomings of the Electoral Act was that it did not provide for measures to ensure compliance with the 30 per cent quota for women candidates in legislative and local elections, she said it would be useful to learn what complementary steps were being taken to encourage and incentivize political parties to endorse women candidates. In any event, once adopted, the draft law on gender parity would, in her view, require a revision of the Electoral Act.

64. While it was commendable that women accounted for virtually half of all civil servants in the State party, they remained underrepresented in high-ranking positions, including in the judiciary, so continued efforts to ensure equal representation were undoubtedly needed.

65. **Ms. Nadaraia** said that she would be grateful to receive statistics on the representation of women in diplomacy and on the recent progress made in boosting it.

66. **Ms. Ingani** (Congo) said that the eventual adoption of the draft law on gender parity would almost certainly entail a revision of the Electoral Act. The Government's current focus, however, was on raising awareness among women of their potential and ability to occupy positions of responsibility on an equal footing with men.

67. **Ms. Mbemba Talansi** (Congo) said that the rules concerning the transmission of nationality to a foreign spouse were the same for Congolese women and men.

The meeting rose at 1 p.m.

United Nations CEDAW/C/SR.1634

Convention on the Elimination of All Forms of Discrimination against Women

Distr.: General
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Committee on the Elimination of Discrimination against Women
Seventy-first session

Summary record of the 1634th meeting
Held at the Palais des Nations, Geneva, on Wednesday, 24 October 2018, at 3 p.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Seventh periodic report of the Congo (*continued*)

This record is subject to correction. Corrections should be set forth in a memorandum and also incorporated in a copy of the record. They should be sent within one week of the date of the present record to the Documents Management Section (DMS-DCM@un.org).

Any corrected records of the public meetings of the Committee at this session will be reissued for technical reasons after the end of the session.

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Seventh periodic report of the Congo (*continued*) (CEDAW/C/COG/7; CEDAW/C/COG/Q/7 and CEDAW/C/COG/Q/7/Add.1)

1. *At the invitation of the Chair, the delegation of the Congo took places at the Committee table.*

Articles 7 to 9 (*continued*)

2. **Ms. Adou Ngapi** (Congo), replying to questions raised by Committee members at the previous meeting, said that an in-depth analysis had been undertaken to identify the obstacles to women's effective participation in public and political life, the results of which had been used to develop the National Programme to Promote Women's Leadership in Political and Public Life 2017–2021. The Programme contained various measures, such as improving the existing legal framework, enhancing institutional mechanisms and promoting an inclusive approach so as to involve men and boys in efforts to increase women's participation in public and political life. Internationally, the Congo, which had 30 diplomatic missions, now had six women ambassadors extraordinary and plenipotentiary, up from three in 2016. Women also occupied high-ranking roles at the national level, including one who was a roving ambassador.

3. The public authorities worked with United Nations agencies and relevant non-governmental organizations (NGOs) to provide various services for women engaged in prostitution. For example, NGO-run vocational training and literacy programmes were available to women wishing to leave prostitution.

4. **Ms. Schulz** asked whether women who engaged in prostitution were prosecuted.

5. **Ms. Mbemba Talansi** (Congo) said that, while pimping was prohibited in the current Criminal Code, there was no specific offence relating to street prostitution. The law aimed to punish those individuals who sought to exploit prostitution, rather than those involved in prostitution itself.

Articles 10 to 14

6. **Ms. Ameline** said that the education of girls was a fundamental human right that also represented a major investment in the country's future development. In the Congo, numerous serious obstacles not only impeded girls' access to education but also prevented them from completing their schooling. For example, although primary school was compulsory, classes were often oversubscribed; the school infrastructure was not sufficiently adapted to foster equality between girls and boys; and the dropout rate among girls was high, largely because girls were expected to perform household chores or were victims of early pregnancy or early marriage. She therefore wished to know how compulsory primary education for girls and boys was enforced; what proportion of the State budget was allocated to education; and what measures were in place to prevent violence against girls on their way to and from, as well as in, school and to combat impunity by taking action against teaching staff who committed such offences. She wondered what additional steps were being taken to promote girls' secondary and higher education, enable them to take vocational training and non-traditional subjects and train them in the use of digital technologies. It would be interesting to learn whether consideration had been given to introducing distance-learning modes of education to boost the provision of quality education, particularly in rural areas. Information on the indicators used by the Government to monitor improvements in education would also be useful.

7. **Ms. Verges** said that, regarding employment, she wished to know what measures were being taken or envisaged to improve women's participation in the formal economy, enhance their employability through professional training and facilitate their access to credit. Women depended overwhelmingly on the informal economy to make a living, which impeded their access to social security benefits. She wondered whether the impact of an

incentive programme aimed at encouraging certain informal enterprises to register with the National Social Security Fund had been assessed and whether other initiatives were planned to ensure that all women working in the informal sector could receive social security and maternity benefits. Referring to paragraph 196 of the State party's report (CEDAW/C/COG/7), regarding the shortage of childcare facilities in the country, she said she would like to know what action had been taken to develop a network of such centres, as required under article 11 (2) (c) of the Convention. Lastly, she asked whether the bill on parity would cover equal pay for women and men and what steps had been taken to combat sexual harassment and violence in the workplace.

8. **Ms. Chalal** said that, despite major achievements in the area of health, the Committee remained concerned at geographical disparities in women's and girls' access to health, the quality of basic health infrastructure, the training of health workers and the availability of medicines. She therefore wished to know what was being done to ensure equal access to health care and to improve the overall quality of health-care services. She would also be grateful to receive relevant updated data disaggregated by urban and rural area and by sex.

9. She wondered whether a plan to reposition family planning and free access to contraceptive products, which also aimed to reduce the maternal mortality rate, was backed by the necessary legal framework; was supported by the requisite health-care services at the local level; and was allocated sufficient funding. In that connection, she noted that abortion was prohibited in the Congo, creating a situation which, in the Committee's experience, often forced women to seek clandestine abortions. She would like to know whether women were imprisoned for having had an illegal abortion and whether the State party envisaged decriminalizing abortion in cases of rape or incest or when the woman's health was in danger, in line with article 14 (2) (c) of the Protocol to the African Charter on Human and Peoples' Rights on the Rights of Women in Africa (the Maputo Protocol), to which the Congo was a party. Given the high pregnancy rate among 15–19 year old girls, it would be interesting to learn what steps were being taken to ensure the availability of sexual and reproductive health education for adolescent girls and boys in both urban and rural areas; what specific measures were in place to ensure that vulnerable groups, such as women and girls with disabilities and indigenous women and girls, could access sexual and reproductive health services; and what other action the State party intended to take to facilitate access to free contraceptives. Lastly, noting that Congolese women were more likely to be affected by HIV/AIDS than Congolese men, she said she would like to know what human and financial resources had been assigned to the implementation of an action plan, for the period 2017–2021, within the framework of a national strategy to combat HIV/AIDS and sexually transmitted infections, and whether a hotline set up to provide advice and guidance on the subject was accessible nationwide.

10. **Ms. Ingani** (Congo) said that the principle of equal pay for work of equal value was well established and routinely applied in the Congo. Regarding education, a number of measures were being taken to upgrade school infrastructure, including building of sports facilities and acquisition of new school furniture. It was worth noting that, during the crisis in the department of Pool, school pupils had been temporarily transferred to other areas of the country to enable them to sit their exams.

11. The Government recognized the need to improve the health infrastructure and had made significant investments in that regard. For instance, 12 new hospitals were currently being built, one in each administrative department of the country, with their completion expected sometime in 2019. Moreover, despite the economic crisis, the Government had committed to ensuring that procedures such as Caesarean sections were provided to women free of charge.

12. The prohibition of abortion was not absolute; the procedure was permitted in certain circumstances, such as in cases of rape or incest or if the health of the woman was in danger. Regarding sexual and reproductive health education, awareness-raising campaigns were conducted and the subject was also part of the school curriculum. Lastly, her Government was aware of the feminization of HIV/AIDS and was committed to tackling the stigmatization of women living with HIV/AIDS. Efforts to tackle the problem included increasing the budget allocated to combating transmission of the disease, carrying out

awareness-raising campaigns and providing free of charge antiretroviral treatments and nutritional guidance. Following complaints of discrimination of women living with HIV/AIDS by health workers, improvements had been made to the training of health-care professionals.

13. **Ms. Ganziami** (Congo) said that, while access to education was a right guaranteed by law, the school dropout rate among girls was high. As a result, a study had been undertaken to identify the obstacles to girls' education and, based on its findings, a strategy had been developed to remove those barriers and raise parental awareness in order to help keep girls in school. The strategy incorporated various key performance indicators, notably the admission, retention and completion rates of girls. Data was also collected on the awareness-raising campaigns conducted and initiatives implemented to prevent violence in schools. The number of disciplinary measures taken against teaching personnel who had perpetrated violence against girls was also monitored. A lack of funding was another impediment to girls' education. In conjunction with international partners, efforts were being taken to seek sources of funding and to raise awareness among government departments and private enterprises of the importance of investing in girls' education for the country's future economic development.

14. **Ms. Schulz** said that it was not clear whether women who had abortions could be prosecuted and imprisoned under the current Criminal Code and whether abortion, under the new Criminal Code, would be decriminalized in cases where the pregnancy was the result of rape or incest. It would be interesting to learn whether antiretroviral medication for HIV/AIDS was freely administered to women in detention. In view of the fact that abortion was considered a crime, it would be interesting to learn how it was possible for women to obtain access to post-abortion care in hospitals and health centres.

15. **Ms. Ingani** (Congo) said that, although abortion was prohibited in the Congo, doctors were authorized to carry out abortions in cases where the pregnancy entailed a risk to the life of the woman concerned and where it was proven to be the result of rape or incest. Victims of rape were taken to hospital for a medical examination, prescribed a morning-after pill and antiretroviral medication and referred to a psychologist.

16. **Ms. Tsiba Egombo** (Congo) said that legislation governing social security had been amended to ensure that women in both the formal and the informal sectors could receive social welfare. The new Criminal Code contained provisions that would prohibit sexual harassment in the workplace. Contraception was made available to women through sexual and reproductive health centres.

17. **Ms. Ingani** (Congo) said that women in detention were entitled to receive free antiretroviral medication.

18. **Ms. Atou Ngapi** (Congo) said that the action plan established under the National Gender Policy was aimed at strengthening and enhancing the role of women and young girls in the economy and the workplace, particularly through the provision of training. In that regard, specific efforts were being made to assist rural and indigenous women. Under the plan, steps would be taken to promote entrepreneurship among women, including by facilitating access to credit. The Government had established a number of indicators to monitor the application of the plan.

19. In urban areas, a number of nurseries and childcare centres had been established by the Ministry of Social Affairs and also by the private sector. In rural areas, a community-based system was in place that enabled women to help each other with childcare.

20. **Ms. Ingani** (Congo) said that a budget line had been established to promote income-generating activities, including entrepreneurship projects submitted by women. Measures were also taken to increase literacy levels among such women and to make credit available to them.

21. **Ms. Schulz** said that she wished to know what punishment would be imposed on women who had abortions when their lives were not in danger. In view of the fact that pregnant victims of rape were required to prove that the pregnancy had been caused by rape, she asked how women living in remote areas were supposed to provide that proof and

whether the State party took account of the fact that victims of rape were often reluctant to report the offence to the police because they feared being stigmatized.

22. **Ms. Ingani** (Congo) said that investigations were carried out into complaints of rape or incest brought by women. Such investigations included gynaecological tests and, if necessary, interviews with family members.

23. **Ms. Mbemba Talansi** (Congo) said that, under the Criminal Code, a punishment of between 1 and 3 years' imprisonment was imposed on women or girls who underwent an illegal abortion. The same punishment, together with a fine, was imposed on any persons found to have assisted them, including family members, nurses and doctors. Currently, no women were being held in Brazzaville prison for having had an abortion.

24. **Ms. Verges** said that it was regrettable that, owing to poor management of public funds and corruption, the significant level of economic growth experienced by the Congo prior to 2015 had not been accompanied by a reduction in poverty or social inequality.

25. In view of the fact that women's access to financial credit was restricted by the obstacles outlined in the State party report (CEDAW/C/COG/7, para. 203), the Committee would be interested to learn what measures had been taken to strengthen the entrepreneurial capacity of women. Noting that microcredit schemes usually benefited only a small proportion of the population, she said it would be useful to learn what steps were being taken to make funding and credit more generally available. Lastly, she asked whether the State party was considering changing its policy of paying social benefits allocated to married couples of public officials to husbands but not to wives.

26. **Ms. Gabr** said that the commendable measures taken to empower rural women would benefit the entire country and help it to achieve the Sustainable Development Goals. It would be interesting to learn whether the awareness-raising campaigns that had been mentioned were aimed only at women and whether they would be expanded to include tribal leaders, religious leaders and justice officials.

27. She wondered whether Act No. 21-2018 of 13 June 2018, which established, inter alia, the right of widows to inherit land, was being implemented and whether indigenous women had access to their ancestral lands and could pass them on to their children. Lastly, she wished to know whether shelters were made available to women asylum seekers and displaced women, when the draft asylum law would be adopted and what practical measures were being taken to assist asylum seekers and applicants for refugee status.

28. **Ms. Ingani** (Congo) said that there was no connection between the level of support provided to women and the poor management of public funds mentioned by Ms. Verges. Courses aimed at increasing literacy levels among women were organized and a law on the revision of the Tax Code was being drafted that would address disparities in the social benefits paid to husbands and wives. The awareness-raising campaign was to be extended to other government ministries and departments and to other State institutions.

29. The revised Personal and Family Code would take better account of the situation of widows from customary marriages and address the issue of inheritance, which was often problematic, as only women who were married officially before a civil registrar could inherit. Since a large number of women continued to marry under the dowry system, it was important for the value of dowries to be defined in the revised Code.

30. Although the Personal and Family Code permitted polygamy, polygamous marriages had to be concluded officially before a civil registrar and both parties had to consent to the arrangement. The Government was well aware of the harmful effects that polygamy could have on women. Pending the adoption of the revised Personal and Family Code, which would take into account the situation of women in polygamous marriages, the Government would continue its efforts to raise public awareness of the disadvantages of polygamy.

31. **Ms. Gabr** said she would appreciate information on the forms of assistance available to rural women and whether widowed rural women could exercise their legally recognized inheritance rights in practice without restriction. It would also be useful to know whether the State party was familiar with the Committee's general recommendation No. 34

(2016) on the rights of rural women and, if so, whether it had taken any steps to put it into effect.

32. **Ms. Verges** asked whether funding had been made available under the action plan for implementing the new second-generation national gender policy for the purpose of supporting larger-scale programmes to promote the economic empowerment of women.

33. **Ms. Ingani** (Congo) said that a number of women had already benefited from funding under the action plan. In addition to the funding for initiatives to support income-generating activities mentioned earlier, a proposal for the establishment of a special fund to support income-generating activities had recently been submitted to the Government's General Secretariat. While there were shelters for asylum seekers in general, there were no shelters specifically for asylum-seeking women.

34. The ministry responsible for land affairs was conducting a campaign to promote the implementation of the recently promulgated Act No. 21-2018 of 13 June 2018. The Act would benefit the women living in the department of Likouala in particular, as they currently did not have the right to inherit or to own land.

35. **Ms. Mbemba Talansi** (Congo) said that the revised Personal and Family Code would improve the situation of widows who had married under customary law by granting them the right to inherit, along with their children, a part of their late husband's pension and the family home. The revised Personal and Family Code would also serve to strengthen the rights of widows married officially before a civil registrar, which were already more extensive, by empowering those women to make decisions for themselves and on behalf of their children following the death of their husband. It would likewise contain clear provisions on how their late husband's inheritance was to be divided up.

36. There were no refugee camps as such in the Congo. Incoming refugees were assisted by the Office of the United Nations High Commissioner for Refugees, the national committee responsible for refugee assistance and the relevant embassies, in accordance with international refugee law.

Articles 15 and 16

37. **Ms. Narain** said that the promulgation of Act No. 21-2018 of 13 June 2018 was indeed a welcome development, as it nullified the effects of a number of customs and traditions that restricted women's land rights in the Congo. Given the State party's pluralist legal system, she said it would be useful to learn whether the Act in question would be applied by both customary and ordinary courts, whether customary courts would still be able to follow the customs and traditions targeted by the Act and how the State party would ensure that customary courts were aware of the Act's existence and duly applied its provisions.

38. The Committee deeply regretted the delay in revising the Civil Code and the Personal and Family Code. It was in the interest of all Congolese women for the revised Codes to be discussed and adopted in December 2018 as scheduled. The Committee also deplored the lack of transparency over the content of the revised Codes submitted to the National Assembly, which left it with little choice but to trust that the provisions that discriminated against women would be removed. The delegation might confirm whether the revised Codes would address the harmful practices of sororate marriage, polygamy and early marriage, as well as issues surrounding inheritance rights, choice of family residence and parental authority and, that being the case, provide information on how it would do so.

39. She would also like to hear more about how the decision to define the value of, rather than abolish, dowries would serve to advance women's rights in the Congo. Noting that the harmful practice of levirate marriage violated the rights of widows under the Personal and Family Code, she said that the impending abolition of that practice ought to go hand in hand with improved social protection measures for widows designed to bring to an end to their financial dependence on their late husband's family. She asked whether the State party had considered establishing specialized units to provide rapid assistance to widows who were threatened or intimidated by their late husband's relatives.

40. **Ms. Ingani** (Congo) said that efforts to raise awareness of the recently promulgated Act No. 21-2018 of 13 June 2018, which was binding on all customary courts, were ongoing. The ministry responsible for land affairs had deployed teams in rural and remote areas to impress upon traditional leaders the importance of applying its provisions. Traditional leaders who failed to do so were liable to receive a fine.

41. **Ms. Mbemba Talansi** (Congo) said that any customary court that failed to abide by the Act would be considered to have shown contempt for the law and could face charges of rebellion. In the revised Personal and Family Code, a balance had been struck between cultural concerns and the protection of women's rights. After broad consultations, the Government had concluded that it was not possible to do away with dowries altogether, bearing in mind that some 70 per cent of women living as wives had not married their husband officially before a civil registrar. However, the revised text of the Personal and Family Code contained provisions to protect and strengthen the rights of women in customary marriages. Steps had been taken to limit the cost of dowries so that they remained accessible to all families.

42. The child protection legislation in force provided that, in court cases involving children, the judge was required to take the best interests of the child into account when handing down a decision concerning parental authority. Parental authority was not automatically awarded to the father in such cases. The use of threats and violence against any person, including widows, was prohibited by the Criminal Code and perpetrators of such crimes were liable to receive a prison term and a fine. Widows who were threatened by their late husband's family could avail themselves of the assistance provided by legal clinics, NGOs and the Ministry of Social Affairs, Humanitarian Action and Solidarity and bring a case before the courts.

43. **Ms. Schulz** said that if 70 per cent of women living as wives had not married their husband officially before a civil registrar, to whom the intention to enter into a polygamous marriage must be declared, it stood to reason that there was likely a large number of women who were in a polygamous customary marriage to which they had not consented. She asked what legal protection was available to the various wives in a polygamous customary marriage upon the death of their husband, whether there was a hierarchy among them and how they could assert their rights before their late husband's family.

44. **Ms. Ingani** (Congo) said that, if the value of dowries was defined, it would be easier for women in customary marriages to assert their rights before their husband and, in the case of widows, before his family. The high percentage of women who were not officially married to their husband could be explained by the reluctance of many men to conclude an official marriage before a civil registrar as, upon doing so, they were required to declare whether the marriage would be monogamous or polygamous. In reality, many men preferred not to declare their desire for a polygamous marriage publicly and so entered into a monogamous marriage after which they took additional wives under the dowry system. Despite knowing their rights, women in that situation seldom asserted them before the courts for fear of losing their husband. The revised Personal and Family Code would prohibit men who had entered into an official monogamous marriage from offering a dowry to other women and would require customary marriages involving a dowry to be concluded before a civil registrar and the parties to sign documents confirming the marriage regime to which they were adhering, which, in practice, would deter men from offering a dowry to multiple women. The revised Personal and Family Code would therefore offer greater protection to women to whom a man had offered a dowry but later rejected and would enhance the rights of widows from customary marriages.

45. **Ms. Schulz** said that she failed to understand how the other women to whom a man in an official monogamous marriage had offered a dowry and with whom he had children would be better protected, as only his legitimate spouse would have any legal rights.

46. **Ms. Ingani** (Congo) said that, under the revised Personal and Family Code, any dowry offered to another woman surreptitiously by a man in an official monogamous marriage would be null and void. Moreover, the high cost of a dowry made it difficult for men to offer one in a clandestine manner. Once the revised Code had been adopted, the Government would invest heavily in awareness-raising initiatives.

47. **Ms. Mbemba Talansi** (Congo) said that, while a woman who had been in a customary marriage with a man who himself had been in an official monogamous marriage would not have the same legal rights as his legitimate wife upon his death, under the revised Personal and Family Code, she would be guaranteed to inherit the home that they shared and, if they had children, she would be entitled to part of his pension. Their children would enjoy full inheritance rights. Couples wishing to enter into an official polygamous marriage had to declare their intention to do so three months prior to concluding the marriage before a civil registrar. Under the revised Personal and Family Code, the number of wives that a man in an official polygamous marriage could take was limited to three. If he opted to take more wives under the dowry system, those women would enjoy the same rights as women in a customary marriage under the monogamous marriage regime. If a man fathered children with a mistress, only the children would have any legal rights upon his death.

48. **Ms. Verges** said that she would like to know whether the revised Personal and Family Code would allow couples who had opted for a monogamous marriage in the first instance to change to a polygamous marriage at a later date and whether providing for that possibility might not serve to reduce the number of customary marriages and to afford women better protection. It would also be useful to hear more about the specific protection available to women in unofficial, customary marriages under the revised Code.

49. **Ms. Schulz** said that she would like to know whether all children, whether they were of an official or customary marriage or of an extramarital relationship between a man and his mistress, had the same inheritance rights. She drew the State party's attention to the Committee's general recommendation No. 21 (1994) on equality in marriage and family relations, which defined polygamy as a discriminatory practice, and its general recommendation No. 29 (2013) on the economic consequences of marriage, family relations and their dissolution, both of which could provide useful guidance. While she understood that polygamy was part of the cultural heritage of the Congo, the Committee held that the practice was inherently discriminatory against women and contrary to the Convention.

50. **Ms. Mbemba Talansi** (Congo) said that, under the revised Personal and Family Code, children would be their parent's primary heirs, irrespective of their mother's status. It was indeed possible for an officially married couple to switch from monogamy to polygamy, provided that the wife gave her express consent.

51. **The Chair** thanked the delegation for the constructive and enlightening dialogue and said that its detailed responses had provided the Committee with a further insight into the situation of women in the Congo. She invited the State party to consider ratifying as soon as possible the amendment to article 20 (1) of the Convention and encouraged it to take all measures necessary to address the recommendations contained in the Committee's concluding observations.

52. **Ms. Ingani** (Congo) said that the interactive dialogue with the Committee had indeed been highly constructive. The Government of the Congo remained committed to improving the situation of women in its national territory and to combating all forms of discrimination against them. It would take on board all the comments and suggestions made by the Committee and continue its efforts to raise awareness of the Convention and the need to respect women's rights.

The meeting rose at 5 p.m.

United Nations CEDAW/C/SR.1635

Convention on the Elimination of All Forms of Discrimination against Women

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Committee on the Elimination of Discrimination against Women
Seventy-first session

Summary record of the 1635th meeting
Held at the Palais des Nations, Geneva, on Thursday, 25 October 2018, at 10 a.m.

Chair: Ms. Leinarte

Contents

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Sixth periodic report of the Bahamas

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The meeting was called to order at 10 a.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Sixth periodic report of the Bahamas (CEDAW/C/BHS/6; CEDAW/C/BHS/Q/6 and CEDAW/C/BHS/Q/6/Add.1)

1. *At the invitation of the Chair, the delegation of the Bahamas took places at the Committee table.*

2. **Mr. Campbell** (Bahamas), introducing the sixth periodic report of the Bahamas (CEDAW/C/BHS/6), said that the complexity of promoting the economic, social, cultural and political rights of Bahamians and visitors to the islands in a country composed of 700 islands, spread over an area of 100,000 square miles of sea, continued to be a challenge for the administration. That challenge was increased by the economic and financial crisis, unemployment, crime, more frequent and intense natural disasters, the cost of accessing smaller inhabited remote islands known as the Family Islands and porous borders that allowed undocumented migration. Nevertheless, the Government reaffirmed its commitment to defending all human rights, as was demonstrated by its successful election to the Human Rights Council for the 2019–2021 term. The Bahamas was thus the first Commonwealth Caribbean country to serve on the Council. As a member of the Council, the Bahamas had pledged to contribute to advancing women's rights at the national and international levels. The Government would make every effort to achieve the full implementation of the Convention and of the Committee's recommendations.

3. However, the process towards the elimination of discrimination was a journey, not a destination. The Bahamas had only 45 years' experience as an independent nation, and its democratic machinery was sometimes slow. The Government had held two constitutional referendums, in 2002 and in 2016, on amendments to provisions concerning fundamental rights and women and anti-discrimination. Despite an aggressive, multi-stakeholder awareness-raising campaign and the fact that women represented 53 per cent of eligible voters, Bahamians had voted against the proposed constitutional amendments. The Government was therefore working to amend its legislation with the goal of promoting gender equality and had also, during the reporting period, introduced new legislation that protected women and ratified two United Nations human rights treaty body optional protocols and two United Nations human rights conventions.

4. The Government strove to create an enabling environment for the empowerment of women, and the very many notable achievements of Bahamian women in Parliament, in the judiciary and in other important areas of public life bore witness to that effort. The Department of Gender and Family Affairs had seen its budget increase by 250 per cent. Its specific objectives included implementation of the strategic plan to improve gender equality and of the National Strategic Plan for Ending Gender-Based Violence, strengthening relations with non-governmental organizations (NGOs) and updating the National Gender Equality Policy, shortly to be submitted to the Cabinet. The Department had also launched a number of other initiatives, including: school and community awareness-raising campaigns on topics such as sexual harassment; seminars and other activities on the Convention; a survey to assess the needs of, and challenges faced by, women and girls in the Family Islands; and partnerships with civil society organizations.

5. The Government sought to eliminate cultural and traditional practices that perpetuated discrimination and gender stereotyping of women and to raise the profile of the Convention through: education and the media; the activities of the Domestic Violence and Counselling Unit; initiatives to reduce the spread of sexually transmitted diseases; and partnership with the United Nations Entity for Gender Equality and the Empowerment of Women (UN-Women). It was also providing trafficking in persons training to the police and defence forces. In that connection, in 2018, the Bahamas had been ranked as a tier 1 country in the United States Department of State Trafficking in Persons Report. The Government also continued to enter into financial partnerships with NGOs and religious organizations to facilitate their work in support of victims of violence through shelters and counselling services. The police had been given training to assist them in dealing with cases

of gender-based violence. The Government continued to work to increase women's participation in political and public leadership. In a number of areas, including education, the judiciary and the public service, parity or higher levels of participation by women had been attained, although, in the general election held in May 2017, only 21 per cent of elected representatives were women. Many forms of discrimination against women in education had been eliminated by the action of successive governments, and scholarships for school and university education went to many more female than male students.

6. The Bahamas upheld the principle of equal pay for work of equal value, and the National Gender Equality Policy, when implemented, would address any disparities that still existed in the private sector. The Government had made considerable investments in the health-care sector in 2017, and antenatal, postnatal and other sexual and reproductive health care was free throughout the country. It recognized the inconsistency in laws regarding the age of sexual consent and the minimum age for access to birth control without permission from parents or guardians. The major causes of female mortality in the Bahamas included heart disease, breast cancer and diabetes.

7. The Government was committed to the economic and social empowerment of women. It had established the Bahamas Development Bank to promote economic development through the financing of sustainable projects sponsored by Bahamians. The Department of Social Services provided assistance to women, including to rural women, such as financial assistance, health care, temporary accommodation and food. Persons who could not afford a lawyer were referred to the legal aid services. The Eugene Dupuch Law School Legal Aid Clinic also provided free legal assistance to the public. The Government would ensure that women in Family Islands had access to services, training, employment opportunities and social equity schemes. It had allocated 25 million Bahamian dollars (B$) to support micro, small and medium-sized enterprises and had observed an increase in registration of cooperatives mounted by rural women.

8. Women in the Bahamas shared many equal opportunities with men under the law, including the rights to enter bids for government contracts, to administer property, to appear in court or before tribunals and to purchase a home. Women and men had equal rights with respect to marriage, divorce, adoption and raising of children. Specific magistrates' courts and Supreme Courts were assigned to apply family law in questions of child maintenance and custody, domestic violence protection orders, guardianship and adoption.

Articles 1 to 6

9. **Ms. Halperin-Kaddari** said that the Government's failure to obtain a favourable result on its two referendums to amend the Constitution was very distressing. She would like to know whether it was prepared to establish a definite time frame to achieve constitutional reform, with a referendum preferably to take place not more than 18 months following a general election under an inclusive, non-partisan agreement and with the participation of civil society. As constitutional reform could be a lengthy process, she asked whether the Government would consider in the meantime taking the less demanding path of amending existing legislation, such as the Nationality Act. Such an approach could include identifying shortcomings in the existing legislation and taking steps to protect women from election discrimination or from violence or prohibiting discrimination against lesbian, bisexual, transgender, queer and intersex persons.

10. She asked if the Government would consider adopting specific mechanisms to give women access to remedies when subjected to intersectional discrimination. Gender stereotypical perceptions and deeply entrenched discriminatory attitudes appeared endemic in the Bahamas and could be seen as the cause of the failed referendums. They also persisted within the judiciary. She would like to know whether there was specific training for the judiciary on the Convention, gender equality and human rights and whether a complaints mechanism was in place to enable women to seek redress for biased rulings reflecting stereotypical attitudes made against them. She asked what measures the Government was taking to raise awareness and the visibility of the Convention and whether it had been cited during court proceedings. During the 2013 universal periodic review, the Bahamas had pledged to ratify the Optional Protocol to the Convention. She asked whether

the Government had established a timeline for doing so. It would also be helpful to know whether a national human rights institution would be established.

11. **Mr. Campbell** (Bahamas) said that, following the vote against constitutional reform in the referendums, the Government was now considering legislative amendments to bring the national law into line with the Convention. The revision should be completed by the end of 2019. Regarding the complaints mechanism for rulings deemed to be discriminatory, access to the courts in the Bahamas was free and, for those who could not afford legal counsel, the Legal Aid Clinic could provide assistance. In respect of interaction with civil society, the Government was very much in favour of the participation of NGOs and civil society organizations and welcomed their input.

12. **Ms. Major** (Bahamas) said that the Attorney General had asked the judiciary to review all legislation to ensure that they included a non-discrimination clause. While certain legislation, such as the Employment Act, the Industrial Relations Act and the Bahamas Bar (Code of Professional Conduct) Regulations, included such clauses, the Education Act did not. The review process was thus going ahead.

13. **Ms. Gibson** (Bahamas) said that, in July 2013, the Constitutional Commission had issued a recommendation to establish an ombudsman's office as the national human rights institution, and a bill establishing such an office had been brought before Parliament in 2017. The bill had then been referred to the Office of the Attorney General where it was currently under review to ensure compliance with the recommendation, made during the universal periodic review, that the national human rights institution should comply with the principles relating to the status of national institutions for the promotion and protection of human rights (Paris Principles).

14. **Mr. Campbell** (Bahamas) said that the ratification of the Optional Protocol to the Convention was under consideration, though he was unable to give a specific timeline.

15. **Ms. Major** (Bahamas) said that members of the judiciary received no official training on the Convention. However, training was provided to members of the national reporting cooperation mechanism.

16. **Ms. Halperin-Kaddari** said that she would be interested to know whether the State party would consider introducing a structured judicial training programme that covered not only the Convention but also gender-related issues including violence against women and the elimination of stereotypes. She asked whether the Convention was taught as part of the curriculum of international and human rights law courses at the University of the Bahamas. She wished to know whether the State party would adopt any legislation to prohibit discrimination based on sexual orientation and gender identity, which was a prerequisite for the comprehensive protection of women's rights.

17. **Ms. Major** (Bahamas) said that the Convention was indeed covered as part of the international law curriculum.

18. **Mr. Campbell** (Bahamas) said that the Department of Gender and Family Affairs sought to raise awareness of the Convention among all government ministers. The Government remained committed to making progress in combating discrimination on grounds of sexual orientation and there had been some developments, although the traditional values of the country's people posed an obstacle in that regard.

19. **Ms. Higgs** (Bahamas) said that, when she had assumed her position as Director of the Department of Gender and Family Affairs three months before, she had spent many hours going through the noble and just Convention. The Department had approached Cabinet members, most of whom were newly appointed, and the Prime Minister with its report to the Committee. It had also drafted a communication in preparation of the meeting with the Committee that had recently been read out in Parliament. In addition, the President of the Senate, who was a woman, was supposed to be on the delegation but had been prevented from attending because of an emergency. Nevertheless, she, too, had issued a communication with regard to the Convention and its importance for promoting gender equality. Lastly, the Department had recently met with the first lady in an effort to involve her in speaking on its behalf.

20. **Ms. Arocha Domínguez** said that she would appreciate comments from the delegation concerning the complaints procedures for women victims of violence who lived in close-knit communities. While in theory women were fully entitled to access to the justice system, in many parts of the Bahamas, especially the Family Islands, many women were reluctant to report incidents to the authorities for fear of stigmatization in their communities, which, in practice, meant that their access to justice was restricted.

21. **Mr. Campbell** (Bahamas) said that, during the HIV/AIDS epidemic, for example, persons living with HIV/AIDS had been reluctant to seek medical assistance because of the associated stigma. However, a series of educational and awareness-raising campaigns removed much of that stigma and persons living with HIV/AIDS were much more likely to come forward. Similar campaigns were currently being carried out with regard to women's rights.

22. **Ms. Major** (Bahamas) said that circuit magistrates travelled around the islands with small populations to hear cases. Island administrators also had access to videoconferencing systems to allow most cases to be heard remotely.

23. **Ms. Eghobamien-Mshelia** said that she would be interested to learn whether the "Renewing, Inspiring, Sustaining and Empowering" conditional cash transfer programme had succeeded in reducing the percentage of the female population living below the poverty line to under 12.8 per cent. Noting the achievements of women listed in the State party's report, which included appointments to high-level posts and awards for outstanding work, she wondered whether those achievements had been used to establish procedures or mechanisms for achieving and sustaining equality in various fields. Given that it had taken 39 years after the inception of the national airline for a woman to be appointed to the rank of captain, she would be glad to learn what measures were in place to prevent such a gross exclusion and marginalization of women in the future. It would be useful to hear whether any quotas or criteria had been established to bolster, in a systematic manner, the representation and leadership of women in key areas. She was concerned by figures submitted by the State party suggesting that fewer women had held qualifications in technical fields and no women had graduated with a degree in agriculture.

24. The upgrading of the Bureau of Women's Affairs to the Department of Gender and Family Affairs was a welcome move. It would be useful to know what other body, if any, was responsible for the implementation of the Convention and what oversight or coordinating role the Department had been assigned over other ministries, departments and agencies beyond advocacy, awareness-raising and the organization of annual and ad hoc events. She asked when the national policy on gender equality would commence. She wished to know if any guidelines, standards and quality assurance mechanisms were in place to enable the Department to fulfil its mandate in accordance with the Convention and, if not, whether there were any good indicators of a gender-responsive approach to the Department's work.

25. She would appreciate an evaluation of the impact of the six-week "Leadership for Women in Politics" course in terms of encouraging women to enter politics. Had a methodology been established for setting benchmarks for temporary special measures? She wondered whether any innovative temporary special measures had been adopted in areas outside of the political sphere and what measures were required to achieve equality targets in those areas. She would be interested to know whether the State party would consider leveraging existing policies and programmes by including new targets, indicators and accountability measures to bridge gender gaps, tackle discrimination and dismantle any persistent barriers to the fulfilment of women's rights. For example, the State party might use data on sexual offences to establish patterns and problems and use the Gerace Scholarship and the Technical Cadet Corp Programme as mechanisms for bridging gender gaps in the education and employment sectors. Furthermore, a science, technology, engineering and mathematics (STEM) element might be incorporated into the Scholarship to advance women in those fields. Given that monitoring and evaluation were key elements for ensuring the effectiveness of temporary special measures, she enquired whether the State party intended to set up a knowledge management and information system to build on the current use of temporary special measures in implementing the national gender policy.

26. **Mr. Campbell** (Bahamas) said that agriculture was taught at a specialized school and the first cohort of graduates, who included women, had recently completed the course.

27. **Ms. Higgs** (Bahamas) said that the Department of Gender and Family Affairs established in 2016 had originally been allocated B$ 350,000 and its budget had increased to some B$ 2 million under the previous government. Since then, additional personnel had been seconded from other ministries to address the shortage of staff and supplement the existing team of five members. Furthermore, qualified staff members had recently been hired to improve the Department's research, data collection and reporting functions, and the University of the Bahamas would also provide research assistance in the future. The country's gender policy had expired and was currently being updated with the help of experts from the University of the Bahamas and other Caribbean countries. The "Renewing, Inspiring, Sustaining, and Empowering" programme had been a pilot project established in conjunction with the Inter-American Development Bank and had also come to an end; however, some of the services it offered continued to be available through other social programmes.

28. No quota system for women political candidates was in place. Nonetheless, the Department intended to organize an event in November 2018 for women interested in running as candidates and those who wished to sponsor or mentor female candidates, where training on branding, fundraising and campaigning skills would be offered. Lastly, the Department had provided equipment, grants and training to would-be female entrepreneurs on four of the Family Islands.

29. **Ms. Eghobamien-Mshelia** said that, while the State party's efforts to build a national women's machinery were commendable, national policy alone could not advance women's rights. A dynamic team with experts from different sectors was required to ensure that sectoral targets were properly set and the actions taken could be monitored effectively.

30. **Ms. Acosta Vargas** said that discriminatory stereotypes had existed in the State party for some time. The exercise of male authority in private contexts was frequently justified by religious beliefs and led to misogyny and gender violence. She had the impression that insufficient action was taken to address acts of violence against economically disadvantaged young girls, who were forced to engage in sexual transactions in order to earn an income.

31. She noted with concern that domestic violence was deemed to be acceptable not only by men but also occasionally by women. Such prejudices had impeded the advancement of women and society as a whole, especially when officials invoked them to restrict women's rights. The Special Rapporteur on violence against women, its causes and consequences had stated in her report on a visit to the Bahamas in December 2017 (A/HRC/38/47/Add.2) that there was no social awareness of the linkage between sexual stereotypes and gender-based violence against women and girls. She wondered why, given the State party's political will and proactive attitude, no vigorous action had been taken to eradicate prejudice and to raise awareness of stereotypes among public officials. She asked whether officials were sanctioned when they demonstrated such attitudes and whether there was a plan to alert the general public to their negative impact.

32. There were alarming indicators of gender-based violence. For instance, femicide was increasing and called for urgent action. As it was frequently related to the possession of weapons, especially small arms, she asked whether the State party planned to restrict private access to such weapons. Domestic violence was reportedly a widespread phenomenon and was rarely reported because it was regarded as a private matter. Both male and female children were subjected to physical punishments which, according to experts, frequently triggered violent conduct later in life. Women with disabilities, lesbians, bisexuals, transsexuals and intersex women were also exposed to gender-based violence and failed to report it out of fear or because of the lack of channels through which they could submit complaints.

33. She asked when the State party intended to adopt the amended version of the bill drafted in 2016 to address different categories of gender-based violence, including domestic violence. As the Sexual Offences Act reportedly defined rape as an act perpetrated against the will of unmarried adult women and girls under 14 years of age, she asked whether the

State party intended to amend the Act in order to align it with international standards. She also wished to know whether it planned to impose tough measures to combat child abuse in both families and schools.

34. There were unacceptable delays in addressing reports of gender-based violence in the justice system. Furthermore, action was taken only when the violence was imminent or had already occurred. As preventive action was extremely important, training courses should be organized for all law enforcement officers.

35. **Ms. Chalal** welcomed the measures taken by the State party to combat trafficking in persons, including the increase in financial and human resources allocated for the implementation of the 2014–2018 national anti-trafficking strategy and action plan, and commended its ranking as a tier 1 country in the United States Department of State Trafficking in Persons Report 2018. The Bahamas was both a transit and destination country for trafficking from other countries in the region, primarily for sexual exploitation. She asked whether the State party had adopted a definition of trafficking in persons, which was frequently confused with migrant trafficking. Notwithstanding the existence of a relevant legal framework, victims were rarely identified and perpetrators were rarely prosecuted. She asked whether the Inter-Ministry Committee for Trafficking in Persons and the Trafficking in Persons Task Force had assessed the scale of the phenomenon and identified trends and profiles. She also wished to know whether cooperation agreements had been concluded with countries that were the source of victims of sexual exploitation or domestic servitude. If victims without identity documents were unwilling to return to their countries, could they apply for permanent residence in the State party? She asked whether there were special shelters for trafficking victims that offered psychological and medical care and whether sufficient budgetary funds were allocated to the Department of Social Services for the performance of its duties.

36. Although prostitution was punishable by a prison term of up to 5 years in the State party, article 10 of the Trafficking in Persons Act protected trafficking victims from such penalties. Yet fear of imprisonment or expulsion frequently deterred victims from reporting forced prostitution. She asked whether action was being taken to persuade victims to collaborate with the competent authorities so that the perpetrators were arrested. She would appreciate data concerning such cases, the decriminalization of sex work and the services offered to women and girls wishing to be released from such work. She also enquired about action to combat sex tourism involving children. As children born of foreign parents who did not automatically receive Bahamian nationality were particularly vulnerable, she asked what measures were being taken to protect them from exploitation.

37. **Ms. Higgs** (Bahamas) said that the national gender equality policy was well structured. However, it would take time to implement systematic projects and to create the alliances required to raise all citizens' awareness of the problems of gender-based violence and persistent stereotypes. Action to address the stereotypical school curriculum was a key challenge. In addition, guidelines against unacceptable traditional stereotypes had been developed for after-school programmes in urban areas. The National Task Force for Ending Gender-Based Violence implemented a programme designed to assist boys in identifying stereotypes and to reform their conduct. A national early prevention programme targeted male and female students who had experienced violence and provided for both formal and informal therapy. In addition, Queen's College implemented a programme called the Seven Habits of Successful Families.

38. The question of lesbian, gay, bisexual and transsexual persons had been raised during the 2016 gender referendum. The Minister of Social Services and Community Development and a team from the Ministry had met with representatives of the community and had agreed that discussions should be held on challenges and the way forward.

39. **Ms. Major** (Bahamas) said that attempts had been made since 2003 to amend the Sexual Offences Act to include a provision criminalizing marital rape. A draft amendment tabled before Parliament in 2003 had been withdrawn owing to the opposition of civil society. Robust consultations had been launched in January 2018. The initial draft, which had provided that offenders should be charged with aggravated sexual abuse, had not received strong support. The second draft had referred to spousal sexual abuse but omitted

the term rape. Consultations were continuing and agreement had been reached that marital rape existed and should be prosecuted.

40. **Mr. Campbell** (Bahamas) said that the State did not adopt a passive approach to domestic violence. Vigorous action was being taken to reduce all forms of crime. Owing to the country's porous borders, the proliferation of illegal firearms was a challenge. When there was evidence of wrongdoing by law enforcement officers, they were prosecuted. The increase in reports of domestic violence could be partly due to greater confidence among aggrieved persons that remedies were available. The Government encouraged them to submit complaints, including against officers who failed to take action. As persons with disabilities and persons who were economically marginalized were clearly more vulnerable, it was essential to focus on their empowerment so that they were sufficiently confident to submit complaints. There had been a 50 per cent decrease in the incidence of rape between 2013 and 2017. However, the attention given to the problem remained unabated, regardless of the number of cases reported.

41. **Mr. Williams** (Bahamas) said that he wished to reaffirm his country's commitment to combating trafficking in persons. The Inter-Ministry Committee for Trafficking in Persons was responsible for policy initiatives and the Trafficking in Persons Task Force dealt with care for victims and the detection and prosecution of perpetrators. The political will to establish a trafficking in persons secretariat existed. It was a matter of identifying financial and human resources and finding creative ways of establishing a long-term mechanism that would provide additional support for research aimed at establishing trends and profiles.

42. The Bahamas, Cuba and Haiti had acceded to the Protocol to Prevent, Suppress and Punish Trafficking in Persons, Especially Women and Children. Negotiations were currently under way with Dominican Republic, Mexico, Jamaica, Colombia, the Bolivarian Republic of Venezuela and Panama on cooperative action to combat trafficking in persons.

43. The Government endeavoured to implement a victim-centred approach. There were no care homes, but victims were housed individually and children were not separated from their families. Access to education, health care, scholarships, clothing and food was financed primarily by the Government, but support was also provided by NGOs and the International Committee of the Red Cross. There was a dedicated budget for trafficking in persons, but different ministerial agencies were involved in the process and those responsible for social services had a far larger budget.

44. **Ms. Major** (Bahamas) said that prostitution was still an offence under the Vagrancy Act and its decriminalization had not been discussed to date. The penalty was B$ 20 or a 2-month prison sentence. However, prosecutions were very rare on account of lack of evidence and most arrested persons were released.

45. **Mr. Campbell** (Bahamas) said that the Ministry of Health organized workshops and seminars on the problem of prostitution and offered a wide range of assistance to persons who had been forced into prostitution. Such persons were not regarded as suspects but as victims. Corporal punishment in schools was a measure of last resort and was administered by a specific person who was tasked with preventing abuse. If evidence existed of a threat of harm, which constituted an offence, and the evidence was corroborated by a complaint of domestic violence, the perpetrator would be prosecuted.

46. **Ms. Acosta Vargas** said that the Government had announced, in response to questions raised during the third cycle of the universal periodic review concerning the strategic plan to address gender-based violence approved in 2016, that it was seeking to obtain the requisite funds. She asked whether the strategic plan was being implemented. The Committee had been informed that some groups of human rights defenders considered that their freedom of speech was not adequately upheld. She asked whether measures were being taken to guarantee their freedom of speech. She also wished to know which institution collected data concerning violence in the State party.

47. **Ms. Arocha Domínguez** said that if a public official or politician implied that when a woman wore an unduly short skirt it was her own fault if she was raped, action should be taken to highlight the inaccuracy of such perceptions.

48. **Ms. Chalal** asked whether the State party intended to implement the recommendation by the Special Rapporteur on trafficking in persons, especially women and children, on the establishment of a secretariat to coordinate action against trafficking and to promote cooperation with other entities throughout the region.

49. **Mr. Bergby** said that while the attempts to amend the Sexual Offences Act to recognize marital rape as aggravated sexual abuse were a step in the right direction, the State party's obligations under the Convention required it to define such abuse as rape, regardless of the relationship between the perpetrator and the victim. The one-year time limit for reporting might also deny access to a remedy for persons who had taken a long time to leave an abusive relationship.

50. **Mr. Campbell** (Bahamas) said that the authorities were determined to pursue the dialogue aimed at properly labelling marital rape in the country's legislation. He was familiar with the plight of undocumented women, especially from Haiti. However, given the open line of communication between the Bahamas and Haiti, an appropriately humane procedure was followed. The Bahamian Government had allocated funds for the speedy repatriation and proper accommodation of undocumented women during their stay in detention centres, including visits from family members living in the Bahamas and access to medical and legal assistance. Public service announcements, especially on trafficking in persons, were made in Creole to ensure that aggrieved persons were aware of the possibility of redress.

51. **Ms. Higgs** (Bahamas) said that the Strategic Plan to Address Gender-Based Violence, which had been published in 2016, was a very powerful document. Produced with the help of United Nations experts, it had been held up as a potential model for the Caribbean. The Department of Gender and Affairs was gradually moving towards implementation, which would have an estimated minimum cost of B$ 9 million and would require a secretariat, an external oversight body and staffing. Staff recruitment was complete and training was under way.

52. The report had recommended 10 practical initiatives that could feasibly be implemented without delay. Seven were already under way, two of them in cooperation with well-established NGOs. The "Reclaiming our boys" project was due to start in January 2019, while, as part of the "Sexual assault response team" project, over 400 police and Royal Bahamas Defence Force officers had been given special sensitization training on dealing with victims. As yet there was no State programme for perpetrators but her Department was considering a proposal to adopt a programme for perpetrators run by the Roman Catholic Church.

53. **Mr. Campbell** (Bahamas) said that the collection of data on gender-based violence was a collaborative effort between the police, the health services and social services. On the question of freedom of speech in respect of human rights defenders, he said that the rights to freedom of speech and freedom of association were constitutional rights. However, in practice there was some distance still to go in creating a culture of dialogue and coexistence and mutual respect between groups holding opposing views.

Articles 7 to 9

54. **Ms. Nadaraia** said that she wished to commend the State party on its progress with regard to women's representation in public and political life. Although the number of women appointed to the Senate had nearly doubled, the already low number of women elected to the lower house of parliament had decreased even further between 2012 and 2017. There were more women in prominent positions and the major parties had all committed to putting forward women candidates. However, overall women's representation had still not reached the 40 per cent mark; the percentage of women in the House of Assembly had in fact fallen and women were still not well represented at the local level.

55. She would like to know what strategies were in place to strengthen women's representation in leadership and in decision-making positions, both in political bodies and in public administration. She enquired whether the State party intend to provide incentives such as additional funding for political parties to nominate equal numbers of women and men as candidates, or to encourage the broadcasting media to increase their coverage

during election campaigns. She wondered whether minorities were represented in Parliament and the Cabinet and what strategies were in place to create an enabling environment for the political participation of disadvantaged groups of women.

56. The Bahamas had made great strides in women's rights within civil society, which had expanded considerably, but there were still leadership gaps to be filled if the women's movement was to be rejuvenated in order to enable it to continue with its advocacy work and monitoring of government accountability. The institutional structure of civil society needed to be strengthened in order to ensure such continuity and safeguard its autonomy.

57. **Ms. Hofmeister** said that it was regrettable that the State party had still not withdrawn its reservation to article 9 (2) of the Convention. It was also regrettable that it was not a party to the Convention relating to the Status of Stateless Persons or the Convention on the Reduction of Statelessness.

58. Because of discriminatory provisions in the Constitution preventing women from transmitting their nationality to their children, there were many situations in which the children of Bahamian women married to foreign men risked becoming stateless persons, whereas the children of Bahamian men were not similarly disadvantaged. Moreover, although such stateless children were entitled to apply for naturalization, they could do so only between the ages of 18 and 21. Non-citizenship could entail detention or even deportation and was an obstacle in the areas of education, health care and employment. The large minority of Haitians were particularly affected. She would like to know what was being done to change the situation of Bahamian mothers in line with the Committee's general recommendation No. 32 (2014) on the gender-related dimensions of refugee status, asylum, nationality and statelessness of women. In light of the failure of the previous two referendums on gender equality, she wondered whether any awareness-raising campaigns were being conducted to educate and prepare voters for a third referendum in order to bring the State party into conformity with its international obligations.

59. She would be grateful if the delegation could describe the obstacles preventing a single Bahamian mother from registering her child at birth. She asked what steps were planned to implement the Convention in accordance with the State party's concept of women's rights as human rights on the one hand and to align its domestic legislation with the principle of gender equality on the other. She wondered whether it was indeed the case that dual citizenship was prohibited in the State party. Lastly, she said that she would welcome some information on mixed migration movements.

60. **Mr. Campbell** (Bahamas) said that any children born in the Bahamas after 1973 to parents born elsewhere were not legally stateless, since they had the option of taking their parents' nationality up to the age of 18, when they could apply for Bahamian citizenship. They could also apply for a form of interim residence status that conferred all freedoms, access to services and rights of entry and exit until such time as they could apply for citizenship. For Haitians, it was nevertheless true that the second generation were effectively stateless, as the Constitution of Haiti did not recognize their parents' right to transfer Haitian citizenship. It was clear that the Bahamas was lagging behind in that regard, but the Government had set up the Immigration Board precisely to address the issues.

61. **Ms. Major** (Bahamas) said that it was true that dual citizenship was not permitted. A single Bahamian mother could transmit her citizenship to her child wherever he or she was born. A child born in the Bahamas to a Bahamian woman married to a non-Bahamian would obtain citizenship at birth. A child born outside the Bahamas to a Bahamian woman married to a non-Bahamian man would not automatically become Bahamian but the mother had the constitutional right to apply for citizenship on his or her behalf; it was rare for such applications to be denied.

62. Since February, the Immigration Board had considered more than 200 naturalization applications from young people between the ages of 18 and 21. The Board had been established as a matter of top priority under an executive order from the Prime Minister's office, with a mandate to tackle the backlog of applications with a view to minimizing the risk of statelessness. In addition, the Government was reviewing the two conventions on statelessness.

63. **Ms. Higgs** (Bahamas) said that there was no legal impediment to women's taking part in the political process. The problem was the historical legacy of an essentially patriarchal system. In an effort to challenge that system, a major conference of women from all political parties was planned for November 2018. The aim was to craft a document that would provide a template for girls and women seeking greater participation in public and political life.

64. As to support for civil society, she said that exchanges between government departments and the umbrella organization Civil Society Bahamas had resulted in a grant of official funding. The hope was to institutionalize such support. There were over 200 registered NGOs, many of whom were invited to meet with her department each month.

65. **Ms. Hofmeister** asked what nationality a child born in the Bahamas to foreign nationals had. If the child was Haitian, could he or she change citizenship at the age of 18? What personal identity documents did such children hold before the age of 18 if they were not Bahamian citizens?

66. **Mr. Campbell** (Bahamas) said that such children had their parents' nationality until they reached the age of 18. With a special interim residence permit they were able to travel and engage in all other necessary transactions. When applying for citizenship at the age of 18, they would need to submit their birth certificate and school records and would be required to renounce their previous nationality.

67. **Ms. Hofmeister** asked when the person would receive a Bahamian passport.

68. **Mr. Campbell** (Bahamas) replied that that was the problem the Immigration Board had been established to resolve. Given the huge backlog, the Board was proceeding by separating out clear-cut cases from more complex ones that required closer verification, where applicants would need to wait longer for a decision. The latter arose from situations where the child's parents had left the Bahamas or been deported, for example, or where the child had left and returned.

Articles 10 to 14

69. **Ms. Arocha Dominguez** asked whether she was correct in thinking that the school enrolment rate for girls over the age of 15 had declined since 1995. If so, she would like to know what the cause might be. She wondered what groups of women — immigrants, Haitians, residents of the more remote islands, for example — were affected. What educational provision was made by the Government to help them to catch up, and how did it ensure that the situation was not reproduced over time?

70. She would appreciate information on the impact of the policy requiring children to have a passport of their own nationality before they could attend school, in particular its impact on Haitian children. She asked what happened in cases where families were afraid to apply for a passport because they might risk deportation because of their migration status.

71. In general, with near-universal educational coverage, Bahamian women were very highly educated. She understood that there was even concern about boys lagging behind, as one factor in levels of violence against women could be a lower standard of education among men. Another concern in that regard was the difference in the quality of public and private education. She wondered what the impact on girls might be of differences in teaching materials, in teacher-pupil ratios and in Internet access.

72. In terms of vocational training, which, for children who were not doing well in school, offered a good alternative to dropping out, she would be interested to learn about any gender bias that might channel children into training in areas traditionally associated with their sex. Such practices ultimately had an impact on earning power later in life, given the pay differences between traditionally male and traditionally female occupations.

73. Efforts were clearly being made to eliminate gender stereotypes in the State party's school system, for example by redesigning textbooks and reforming the curriculum. Yet ultimately the success of such measures depended on the teachers — both men and women — responsible for communicating the new ideas. She would appreciate information on the training teachers received in that regard, particularly the training provided to teachers in the

outlying islands. She also wondered how issues of gender and gender equality were dealt with in the private sector, including church schools.

The meeting rose at 1 p.m.

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Summary record of the 1636th meeting
Held at the Palais des Nations, Geneva, on Thursday, 25 October 2018, at 3 p.m.

Chair: Ms. Leinarte

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Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Sixth periodic report of the Bahamas (*continued*)

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The meeting was called to order at 3 p.m.

Consideration of reports submitted by States parties under article 18 of the Convention (*continued*)

Sixth periodic report of the Bahamas (*continued*) (CEDAW/C/BHS/6; CEDAW/C/BHS/Q/6 and CEDAW/C/BHS/Q/6/Add.1)

1. *At the invitation of the Chair, the delegation of the Bahamas took places at the Committee table.*

Articles 10 to 14 (*continued*)

2. **Ms. Acosta Vargas** said that, although women in the Bahamas were generally highly educated and faced no formal constraints on their right to participate in the labour market, their employment opportunities were limited by the fact that tourism and construction were the only sectors that were expanding. In view of that situation, she asked what percentage of the persons employed in those sectors were women.

3. Noting that a disproportionate number of domestic workers were women, she asked what percentage of women were employed in housekeeping in the tourism industry and whether any oversight mechanisms had been established in the places where they worked. It would be interesting to learn whether undocumented migrant workers had access to a complaints mechanism or to the justice system, whether the State party intended to ratify the International Labour Organization (ILO) Domestic Workers Convention, 2011 (No. 189), what percentage of unemployed persons were women and what measures were taken to support women living in areas with particularly high levels of unemployment.

4. In view of the fact that women employed in the private sector experienced de facto discrimination, particularly in male-dominated areas such as journalism and engineering, she asked what was being done to protect women against such discrimination. She wondered what percentage of women held management positions in the private sector, whether any complaints of sexual harassment in the workplace had been brought before the courts and, if so, whether the perpetrators had been prosecuted.

5. Noting that the Bahamas had ratified the Convention on the Rights of Persons with Disabilities, she asked whether any measures were in place to promote employment among persons with disabilities and to tackle discrimination in the workplace against persons with disabilities, migrants, lesbian, bisexual, gay, transgender and intersex persons and persons who did not speak English. Lastly, she asked whether measures had been taken to eradicate child labour and whether the minimum age for employment had been raised to 16 years.

6. **Ms. Arocha Domínguez** said that she wished to know how the State party would resolve the contradiction inherent in the fact that the age of consent was 16 years but the minimum age at which contraception could lawfully be obtained was 18 years. Noting that the main responsibility for ensuring that contraception was used in sexual relations tended to fall on women, she asked whether a married woman would be required to obtain her husband's permission if she wished to undergo a tubal ligation and whether efforts were made to promote the use of women's condoms.

7. In view of the fact that rates of HIV infection were relatively high, she asked what measures were being taken to improve the protection of vulnerable persons, including children and young adults, against infection by HIV and whether such protection was addressed in sex education courses.

8. The Committee would be interested to learn how many women per year underwent a legal abortion and to what extent women undergoing legal abortions and their families and doctors were stigmatized. She wondered whether the State party would consider amending the law to ensure that victims of rape or incest could obtain legal abortions and whether efforts had been made to assess the prevalence of unlawful, unsafe abortions and the connection between such abortions and the country's relatively high maternal mortality rate.

9. **Mr. Campbell** (Bahamas) said that the Education Act provided for mandatory education for all children aged between 5 and 16 years. Following a perusal of studies highlighting the benefits of preschool education, the Government had recently decided to make such education universally available for children aged between 3 and 5 years. To that end, 1,000 preschool places would be created per year within the State school system and arrangements would be made with the private sector for the provision of additional State-funded places. An agreement had been established with a telecommunications company to ensure that all State preschools and primary schools would have Internet connections and all pupils in those schools would receive electronic tablets. Students living on the outlying Family Islands that lacked sufficient teaching staff would be able to use their tablets to take part in remote learning.

10. **Ms. Sinclair** (Bahamas) said that a plan was in place to promote open and distance education. Under that plan, schools in every district on the Family Islands would have access to an interactive whiteboard and children in those schools would be able to engage in remote learning through online programmes, including in the areas of science, technology, engineering and mathematics. In addition, resource centres would be established on all the islands to provide opportunities for remote learning for all residents, including adult learners.

11. Having made great efforts to promote attendance and access to education, the Government had now decided to address the quality of the education received by children by placing particular emphasis on the teaching of literacy and numeracy at the primary level.

12. In order to promote women's tertiary and post-secondary education, the budget allocated to the Bahamas Technical and Vocational Institute had been increased. A day-care centre had been established at that Institute so that children under the age of 5 could receive free care while their parents attended classes. Funding allocated for scholarships at the University of the Bahamas had been increased to ensure that more students would have access to tertiary education. An adult literacy programme had been established to enable working adults to enhance their literacy skills at times agreed with their employers. In order to promote school attendance, steps had been taken to ensure that any pupil who had been absent for three weeks or more would be contacted by a school attendance officer. The Government had established safety net programmes to provide school lunches to pupils from low-income families. In partnership with the Food and Agriculture Organization, the Government had made plans to pilot a sustainable school feeding programme in a rural school on New Providence.

13. Under the education sector plan, efforts would be made to determine whether educational materials and the school curriculum contained or promoted gender stereotypes. The Education Act, and the Government's education policies, had been reviewed from a gender perspective in conjunction with the United Nations Educational, Cultural and Scientific Organization. The National Advisory Council for Education, whose members included representatives of the private sector and civil society, was mandated to make recommendations relating to the education system to the Ministry of Education. Consideration was being given to the possibility of establishing a national accreditation board that would monitor educational standards throughout the education system.

14. **Mr. Campbell** (Bahamas) said that a programme had been established to ensure that pregnant teenagers could continue their education both while they were pregnant and after they had given birth.

15. **Ms. Sinclair** (Bahamas) said that the Ministry of Education had established the Mabel Walker Professional Development Institute with a view to building the capacities of teachers, teaching assistants and school leaders. In order to ensure that corporal punishment would be used only as a last resort, teachers and school administrators were given training in positive behaviour management.

16. **Mr. Campbell** (Bahamas) said that the Government had taken steps to provide over 2,000 schoolchildren with school uniforms and footwear to ensure that they were ready to start the school year. Through the National Council for the Disabled, special schools had been established for blind persons, deaf persons and persons with other types of disability

and transportation was provided to enable pupils to travel to and from those schools. Discussions had taken place with the University of the Bahamas to ensure that pupils with disabilities could successfully undertake the transition from school to university education. Adults who wished to enhance their employment prospects could do so through the National Training Agency.

17. **Ms. Armbrister** (Bahamas) said that a patients' bill of rights was currently being drafted that would grant women the right to have abortions and address the discrepancy between the age of consent and the minimum age for obtaining contraception. Owing to measures taken to educate the public in the area of HIV/AIDS prevention, the number of persons newly diagnosed with HIV/AIDS every year had fallen by over 40 per cent between 2006 and 2015. Women's condoms were available. Under the Focus on Youth Programme, sex education was provided to children at both the primary and secondary levels. The sex education curriculum covered the prevention of HIV/AIDS and other sexually transmitted diseases and enabled children to make good choices in respect of their sexual well-being and health. The maternal mortality rate for the whole population currently stood at three deaths per year.

18. **Mr. Campbell** (Bahamas) said that abortion was permitted in cases where the pregnancy was the result of rape or posed a threat to the life of the pregnant woman. The Government had made efforts to ensure that employees would receive equal pay for work of equal value. The strategic plan on employment, when implemented, would ensure that any pay disparities in the private sector were addressed. Conscious of the fact that it should lead the way in enhancing the employment prospects of persons with disabilities, the Government had taken measures to ensure that such persons were provided with the training that they needed to enter the workplace and become self-reliant. The Ministry of Social Services and Urban Development was among the government ministries that employed persons with disabilities.

19. **Ms. Major** (Bahamas) said that, in 2015, around 20,000 women and 13,000 men had been employed in the restaurant and hotel sector while around 1,000 women and 17,000 men had been employed in the construction industry. As the numbers of both employed and unemployed people had risen between November 2017 and May 2018, there had been no significant change in the unemployment rate over that period. Under the Persons with Disabilities (Equal Opportunities) Act, companies or organizations that employed 100 or more persons were required to employ at least one person with a disability. In the previous five years, there had been no prosecutions for sexual harassment in the workplace.

20. **Mr. Campbell** (Bahamas), replying to questions posed on the employment of children, said that 14-year-olds sometimes worked in grocery stores on a part-time basis. However, such part-time work should not interfere with the studies of children of compulsory school age, namely children who were under 16 years of age.

21. **Ms. Major** (Bahamas), replying to questions posed on access to employment for members of the lesbian, gay, bisexual, transgender and intersex community, said that members of that community were protected from discrimination by the Employment Act.

22. **Ms. Arocha Domínguez** said that, while the State party was to be commended for the range of programmes that it had adopted in the areas of health and education, the lack of statistical data on their impact and the number of beneficiaries was a major shortcoming, as it prevented both the State party and the Committee from quantifying their success.

23. The continued legally accepted practice of corporal punishment in schools, even if it was used only as a last resort, was a major cause for concern. Furthermore, the criteria used to determine when the threshold for its use had been reached were not clearly defined. She asked how the use of corporal punishment in schools was monitored and whether the State party had considered joining the increasing number of countries that had outlawed and abolished the practice.

24. The dearth of statistical data on the number of lawful and unlawful abortions performed and, where applicable, the penalties imposed was also regrettable. It was particularly important for the Committee to have such data at its disposal given the high

teenage pregnancy rate in the State party and the fact that the majority of those pregnancies were unwanted, which often led families to resort to unlawful abortion.

25. She would appreciate additional information on the key population groups that were vulnerable to HIV and on the risk of infection faced by women. She recalled that, in conservative societies where homosexuality was not openly disclosed, women married to men who had sex with men often ran the risk of HIV infection. It would be helpful to hear more about the situation of transgender persons and female prostitutes in the Bahamas, including the support services available to them.

26. **Mr. Campbell** (Bahamas) said that the Government understood the pressing need to collect statistical data, not least because such data would help it direct its resources in the future. The possibility of hiring a statistician to oversee the collection and validation of statistical data was currently being discussed.

27. Whereas the use of corporal punishment had been widespread in school, family and social settings in the past, Bahamian society had progressed to the point where it could now be administered only by school principals as a last resort. If corporal punishment was to be administered by a male principal, a female member of staff had to be present. Discussions on the appropriateness of the use of corporal punishment were still ongoing.

28. **Ms. Sinclair** (Bahamas) said that a reporting and accountability framework was in place for the administration of corporal punishment. Cases involving the use of corporal punishment had to be reported in writing to the Director of Education within a period of 24 hours. The decision to administer such punishment was not taken lightly. It was used as a measure of last resort following a series of actions grievous enough to have threatened the safety of other students or teachers or both. Teachers and school administrators received regular training in alternative classroom management strategies and parents were called in to work together with them and counsellors so that such strategies could be applied and corporal punishment avoided.

29. **Mr. Campbell** (Bahamas) said that, while it should be possible to provide the Committee with statistical data on the number of lawful abortions performed in the Bahamas, it would not be possible to provide data on the number of unlawful abortions performed, as the women who underwent such a procedure would likely not be forthcoming. The HIV/AIDS Secretariat was open to all and members of the lesbian, gay, bisexual, transgender and intersex community were actively involved in its advocacy activities. Sex workers had access to counselling and sexual health services, including contraception. The HIV/AIDS Secretariat had also begun conducting its public information campaigns in Creole, which was spoken by the largest group of migrants in the Bahamas.

30. **Ms. Armbrister** (Bahamas) said that the teenage pregnancy rate had decreased significantly in recent years.

31. **Ms. Jahan** said that she was pleased to note that the State party had adopted a number of measures to promote the economic and social empowerment of women and that, generally speaking, women in the Bahamas did not suffer economic discrimination. However, it would be useful to know whether the State party routinely conducted an impact assessment of development plans targeting women, particularly older women and women with disabilities, and of structural adjustment policies. She asked whether any studies had been conducted on the impact of trade liberalization on women and whether government officials received training on gender budgeting as a matter of course. It would also be helpful to hear more about the State party's approach to implementing the 2030 Agenda for Sustainable Development in a gender-responsive manner.

32. She would also appreciate more information on the various programmes providing assistance to women conducted by the Department of Social Services and on the number and profile of the beneficiaries. The delegation might also describe the efforts being made to increase income-generating opportunities for women on the Family Islands by providing them with skills development and entrepreneurship training. While there were no legislative barriers preventing women from accessing loans or other forms of credit, it was her understanding that the terms of repayment often precluded women working in the informal sector and others from doing so. She asked whether there were specific loan schemes or

financial credit programmes for women and whether a share of the funding allocated to support micro and small and medium-sized enterprises at the national level had been earmarked for women entrepreneurs.

33. The Committee had learned from alternative sources that forced evictions were becoming increasingly widespread in the State party and that women, especially female heads of household, were disproportionately affected. Moreover, she had been given to understand that the process of seeking judicial remedies was lengthy, cumbersome and expensive. She would welcome information on the legislation regulating social or affordable housing for women. Noting that the majority of social security schemes were contributory in nature, she asked what social safety nets were in place for women, particularly older women and women with disabilities, who had never worked in the formal sector.

34. Given that the Bahamas was considered to be an international tax haven, she would be interested to know what safeguards or regulatory measures the State party had put in place to ensure that its legislation did not affect the ability of other countries to mobilize tax revenue for the realization of women's rights and substantive gender equality.

35. The plight of women and girls living in remote rural communities on the Family Islands and in shanty towns close to urban areas, many of whom were exposed to poverty and gender-based violence and had limited access to food, water, sanitation and electricity, was a serious cause for concern. She asked whether the Department of Gender and Family affairs had completed its planned survey to assess the needs of Family Island women and, if so, what the outcome had been and whether it had informed the content of new policy measures to improve their situation. She also wished to know whether the "Over-the-Hill" community development partnership initiative, the aim of which was to restore and rejuvenate a deprived area of downtown Nassau through the use of smart and green technology and social and economic empowerment, was gender-sensitive and inclusive of older women and women with disabilities.

36. The delegation might also describe any targeted measures taken to address the feminization of poverty in rural areas and to increase the visibility of women in the rural economy. Noting that efforts were being made to provide women with the skills necessary for handicraft production, she asked how such products were marketed to ensure that they generated sufficient revenue. She also wondered whether any targeted measures had been taken to guarantee women's access to the marketing facilities and agricultural extension services provided by the Department of Agriculture. It would also be useful to receive more information about women's agricultural landownership rights.

37. Noting that the rate of women's representation in local government councils on the Family Islands stood at 57 per cent, she asked to what extent rural women had been involved in designing and implementing local development plans, including in the agricultural sector. She would also like to know whether temporary special measures had been adopted with a view to increasing the number of rural girls in higher education. There was evidence to suggest that many women living on the Family Islands still struggled to access health-care services, including mental health services. She asked whether the State party had considered adopting demand assigned multiple access technology to improve communication between the health-care centres in urban areas and those on the Family Islands.

38. The Committee had received reports that access to justice was almost non-existent on the Family Islands, that police posts were understaffed and that perpetrators of violence and sexual harassment often acted with impunity. She asked whether the police officers and magistrates serving on the Family Islands had been trained on gender issues. Despite the Bahamas being highly vulnerable to the impact of climate change and to natural and environmental disasters, the report was silent on the gender dimension of climate change and disaster risk reduction. She understood that the State party had already undertaken a gender impact assessment in that connection with the assistance of UN-Women. She asked what the outcome of the assessment had been, and whether it had informed the content of new policy measures, and how the State party ensured that women were involved in the preparation, adoption and implementation of related national policies, in keeping with the

Committee's general recommendation No. 37 on the gender-related dimensions of disaster risk reduction in the context of climate change.

39. **Mr. Campbell** (Bahamas) said that the country's shortcomings in the area of statistical data collection made it difficult to measure the impact of the programmes being rolled out in various sectors. Female heads of household, specifically single mothers, and older persons were the main beneficiaries of the programmes conducted by the Department of Social Services. The Department provided emergency assistance to cover the cost of food, death and burial, rent, temporary accommodation in the case of a forced eviction, utilities, school uniforms and preschool. It also conducted a small-scale home repairs programme. Repair services were only available to homeowners actually living in the property and not to renters so as to encourage absentee homeowners to invest in their property. The National Insurance Board provided persons aged 65 years and over who had not contributed to a pension scheme with a monthly allowance. A similar social safety net was in place for persons with disabilities. Upon instruction from school guidance counsellors, social workers could conduct visits to the homes of children who were experiencing difficulties or who showed signs of neglect. Social workers were present on every island but one. A social worker from a neighbouring island provided the necessary services. It was hoped that a permanent social worker for that island could be recruited in the near future.

40. The majority of the so-called shanty towns were located in New Providence and were the result of persons having built, without a permit, houses that did not meet applicable industry standards. Those houses did, however, have electricity, running water, telephones, cable television and Internet and, in some cases, even made use of alternative energy. Moreover, those communities had their own amenities, such as shops, restaurants and entertainment facilities. However, the lack of organization in such places was a major cause for concern, as the closely built, improvised housing of such communities prevented emergency vehicles from gaining ready access to them.

41. The agricultural products of Family Island women were transported to a packing house where they were purchased by government representatives and taken to market. Cooperatives were actively involved in helping women sell their handicraft products at market. Regrettably, no quota for women was in place in that sector.

42. Although there were no mental health professionals stationed on the Family Islands, primary health-care professionals could refer patients for mental health treatment if necessary. It was not unusual for patients in need of specific care to be transferred to a larger island or for the health-care professionals qualified to provide it to travel to the patient.

43. The widely held belief that the Bahamas was a tax haven was in fact erroneous. The Government of the Bahamas prided itself on its strict compliance with international standards relating to tax cooperation and tax transparency. The financial services sector was a major driver of the Bahamian economy, providing direct and indirect employment to around 20,000 Bahamians and accounting for more than 15 per cent of the country's gross domestic product.

44. **Ms. Gibson** (Bahamas) said that, as a member of the Global Forum on Transparency and Exchange of Information for Tax Purposes, the Government was fully committed to ensuring that the Bahamas was in compliance with international standards on transparency and information exchange for tax purposes, including those established by the Organization for Economic Cooperation and Development (OECD). Among other measures, it had implemented the United States Foreign Account Tax Compliance Act, signed a number of tax information exchange agreements with other countries and enacted the International Tax Cooperation Act, in 2010, which laid the foundations for cooperation between the Bahamas and other States on tax-related matters. A working group had also been set up to implement the Standard for Automatic Exchange of Financial Account Information in Tax Matters of OECD.

45. **Mr. Campbell** (Bahamas), providing an overview of the land ownership regime in the Bahamas, said that the Government was currently conducting a land audit with a view to establishing a comprehensive land register and providing owners with much-needed title

deeds, thus facilitating their access to credit. He rejected the suggestion that access to justice in the Family Island was non-existent. Each island had an Administrator, its own police force and contact with magistrates. Moreover, processes were in place to enable persons to seek redress in the event that a complaint to the police had not been handled to their satisfaction. A general reluctance to report incidents to the police in the first place was, however, a major challenge. Awareness-raising activities were therefore being undertaken in that connection.

46. Preparation for climate-change-related natural disasters such as hurricanes was carried out locally and with the involvement of Family Island administrators and councillors, many of whom were women. Secure shelters staffed by members of the Royal Bahamas Defence Force were available in such scenarios. Social Services provided aftercare to affected persons in the event that their homes were damaged or destroyed.

47. **Ms. Jahan** said that the remoteness of the Family Islands, coupled with the existence of socioeconomic challenges, could hinder women's access to justice and make it difficult for them to obtain redress for miscarriages of justice. She wished to know how the State party made sure that access to justice was user-friendly, including by giving consideration to the needs of women who were unfamiliar with legal processes or had low levels of literacy. She drew the delegation's attention to the Committee's general recommendation No. 33 (2015) on women's access to justice, which she would encourage the State party to consult.

48. **Mr. Campbell** (Bahamas) said that, in reality, all persons living on the Family Islands had ancestral links to the other islands or to the capital, New Providence; thus, no one was ever so isolated that they could not contact someone in the community or in authority — whether it was a police officer, social worker or pastor — who could help them to seek redress. The Government was therefore satisfied that there were no problems in that regard.

Articles 15 and 16

49. **Ms. Narain** said she was concerned that family matters were being dealt with by magistrates' courts, which, according to reports, were under-resourced and ill-equipped to handle such cases. She wished to know what proportion of judicial officers dealing with family matters in the magistrates' courts were women, what steps were being taken to ensure that mediation, if used, took account of women's rights and interests and whether an update on the State party's long-standing plans to establish a specialized system of family courts could be provided. She wondered how family issues were handled on the Family Islands, which relied on visiting magistrates and, in particular, what arrangements were in place when urgent interim or provisional orders were required. She emphasized that continuous professional training on the Convention and on other pertinent regional and international human rights instruments, such as the Convention on the Rights of the Child, should be provided to the judiciary.

50. Although the State party had raised the legal age for marriage to 18 years, certain exceptions were still in place that allowed children as young as 15 years old to marry with parental consent. She asked how many early marriages were entered into each year, and under what circumstances they had been permitted, and whether the State party would consider removing the exceptions to ensure that no one could be married before the age of 18. Regarding children born out of wedlock, reports suggested that the process for establishing paternity was difficult and often humiliating. She would like to know whether paternity had to be established in court, whether legal aid was available in such cases and whether DNA tests were accessible and affordable. According to section 34 of the State party's Child Protection Act of 2007, all widows and unmarried women had a duty to maintain their children. She was concerned that such a provision might be a disincentive for fathers to make voluntary maintenance payments or for the courts to grant maintenance orders. In that connection, she would be interested to know what measures the Government intended to take to address the complexity of maintenance proceedings against fathers who defaulted on payments and what women's property rights were in cases of divorce. Lastly, she asked what progress had been made to enact legal provisions governing de facto unions in order to ensure that women were protected in cases of separation and what impact the

State party's strict nationality provisions had on women's inheritance and property rights and on a woman's right to freely choose her spouse, including non-Bahamians.

51. **Mr. Campbell** (Bahamas) said that efforts were under way to ensure that family matters were dealt with in separate courts located away from those that heard criminal cases. It was, however, an ongoing challenge; the court system in general was experiencing a significant backlog in cases. The Government was therefore working to increase the number of courts and staff and to upgrade the equipment used.

52. It was true that the process to enforce maintenance orders was a tedious one. The Government was currently discussing the introduction of court-ordered child support withholdings from the father's earnings. In the event that the paternity of the child was in question, the courts would order the necessary DNA tests, which were widely available, before making their determination.

53. **Ms. Gibson** (Bahamas) said that the law did not yet recognize de facto unions. There were a number of options to enable women in the Family Islands to obtain interim orders. For example, Family Island administrators had the power to act as magistrates in such cases and videoconferencing and telephone services were also available to facilitate contact with magistrates and Supreme Court justices in the capital.

54. **Ms. Major** (Bahamas) said that, under the Child Protection Act and the Magistrates Act, every woman had the right to apply for maintenance from the father of her children. There were issues surrounding the enforcement of maintenance orders, however, and the judiciary was discussing ways of improving the system.

55. The Government was currently considering setting the marriageable age at 18 years, without exception. As things stood, however, the age at which someone could be married was actually 14 years old, although the consent of the parents and the courts was required. Such marriages were rare; indeed, there had been none in the previous 30 years. There were no statistics to show whether pregnancy was the motivation for early marriages. Lastly, under the Matrimony Causes Act, which established the procedures and rights in cases of dissolution, annulment or separation, women were entitled to 50 per cent of any property obtained during the marriage.

56. **Mr. Campbell** (Bahamas) said the suggestion that the provisions of the Bahamas Nationality Act discouraged Bahamian women from marrying non-Bahamian men was not borne out by the statistics.

57. **Ms. Hofmeister** said that, according to alternative reports, orphaned children born in the Bahamas to non-Bahamian parents were invisible to the authorities. They did not automatically receive Bahamian citizenship and struggled to obtain legal guardianship, which essentially rendered them stateless — unable to acquire either Bahamian or Haitian nationality due to administrative barriers and intersectional discrimination — until they reached 18 years of age. She wished to know what the State party was doing to address the issue.

58. **Mr. Campbell** (Bahamas) said that the Ministry of Social Services and Urban Development could only intervene if it had been informed of such cases. Once such notification had been received, the orphaned child would be made a ward of the State, if necessary, and provision for his or her care and education would be arranged. The requisite citizenship documentation would also be provided once the child was 18 years of age. It was often the case, however, that members of the close-knit Haitian community did not alert the authorities to an orphaned child's situation, preferring to look after him or her themselves, which unfortunately caused issues once the child reached the age of majority and needed the necessary paperwork to establish his or her nationality.

59. The preparations for his country's periodic review had involved a diverse set of stakeholders from government departments and civil society. The promotion and protection of the rights of women and girls was a national priority, including in the context of development planning. The process of self-reflection had highlighted a number of challenges and the Government would be grateful to receive technical assistance to help overcome them. Support in training the judiciary on the provisions of the Convention,

implementing gender policy and helping in the collection and analysis of disaggregated data were just some of the areas in which such assistance would be most welcome.

The meeting rose at 5 p.m.